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5 Attorney for Plaintiffs  
6 JAMES MCGIBNEY  
VIAVIEW, INC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 JAMES MCGIBNEY, an individual, and  
VIAVIEW, INC, a corporation,

**Plaintiffs,**

15 vs.  
16 THOMAS RETZLAFF, an individual  
17 NEAL RAUHAUSER, an individual,  
LANE LIPTON, an individual, and  
DOES 1-5, individuals whose true name  
known,

## Defendants.

**TO THE HONORABLE BETH LABSON FREEMAN, DISTRICT JUDGE, THE CLERK OF COURT ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Please take notice that ViaView opposes Defendant Retzlaff's request to file his Special Motion to Strike under the Code of Civil Procedure section 425.16. We respectfully request that this court deny his request. We further request that this court set a hearing to determine what sanctions, if any, are appropriate for Defendant Retzlaff's behavior in this case. We request that hearing be set on October 7, 2014, the day after Mr. Retzlaff is due in San Jose Superior Court on an Order to Show Cause issued in

**OPOSITION TO DEFENDANT RETZLAFF'S MOTION TO  
EXTEND TIME TO FILE A SPECIAL MOTION TO STRIKE;  
REQUEST FOR A HEARING ON THE MATTER**

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1 the restraining order case to answer for why he should not be held in contempt. We further request that  
2 Mr. Retzlaff be ordered to be personally present at the hearing on sanctions in this case.  
3  
4

5 Dated: 15 September 2014

LAW OFFICES OF JAY LEIDERMAN

6  
7 By: /s/ Jay Leiderman  
8 Jason S. Leiderman  
9 Attorney for Plaintiffs  
James McGibney  
ViaView, Inc.  
jay@criminal-lawyer.me  
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1           **VIAVIEW OPPOSES DEFENDANT RETZLAFF'S MOTION TO EXTEND TIME TO FILE A**  
2           **SLAPP MOTION FOR THE FOLLOWING REASONS. THE STATEMENTS HEREIN WILL**  
3           **BE SUPPORTED BY DECLARATIONS FROM COUNSEL AND MR. McGIBNEY, AS WELL**  
4           **AS DOCUMENTARY EVIDENCE FILED HEREWITH AS EXHIBITS**

5           Please take notice that parties Viaview, Inc and James McGibney hereby object to the request by  
6           defendant Thomas Retzlaff to allow the late filing of his special motion to strike pursuant to California  
7           Code of Civil Procedure section 425.16, commonly known as an “Anti-SLAPP” motion. Plaintiff does  
8           so for many reasons. These reasons are laid out in detail in the declarations of Counsel and James  
9           McGibney. They are supported by the exhibits referenced in the declarations.

10          In short, our opposition rests on several facts that give rise to multiple reasons for the Court to  
11         deny Retzlaff’s request. They are, in essence:

12          (1) Retzlaff lied about the central fact upon which he bases his request, namely that he did not have  
13         any power outages over the last 6 months, let alone the last week.

14          (2) Retzlaff already owes some fees to Counsel herein for losing a relatively similar, if not identical  
15         SLAPP in San Jose Superior Court. Those fees remain unpaid and fees for the losing party are  
16         mandatory.

17          (3) Retzlaff wants to see the outcome of Defendant Lipton’s SLAPP motion before filing his SLAPP  
18         motion. He is trying to hedge his bet because he fears more fees will be due to Counsel.

19          (4) Retzlaff has already written a substantially similar if not identical SLAPP motion in connection  
20         with his restraining order case in San Jose. He did so for the July 29<sup>th</sup> proceeding.

21          (5) In that case, Retzlaff also claimed that he had insufficient time to prepare a SLAPP motion.  
22         When his continuance request was denied on the morning of July 29, 2014, he filed a completed SLAPP  
23         motion after the lunch break.

24          (6) Retzlaff also exaggerates in that he has not filed any motions in either this case or the San Jose  
25         restraining order case since September 2nd.

26          (7) Retzlaff is in no way an unsophisticated *pro per* litigant.

27          (8) Retzlaff boasts of having access to attorneys from whom he could get advice, including a top 1<sup>st</sup>  
28         Amendment lawyer and counsel in California.

(9) Retzlaff should be held accountable for making blatant misstatements in his pleadings and casting aspersions on Counsel. The Court should give no favor to one who does such things.

(10) Retzlaff has intimidated witness Denise Hollas in this case and has entered a declaration from her that contains material misstatements.

(11) Retzlaff is requesting an extension for improper purposes, namely that he is using this delay as part of a concerted effort to run up attorney's fees for Plaintiff.

(12) Retzlaff uses the judicial system for his own amusement and to harass people.

(13) In contravention of local rule 6-3, Retzlaff's request is longer than 5 pages. He has not sought an agreement from counsel and fails to detail why this is so. He has also not stated whether like requests have already been sought and what the disposition of those requests was.

VIAVIEW REQUESTS THAT THIS COURT SET A HEARING TO EXAMINE THE ISSUES  
RAISED HEREIN AND CONSIDER, *SUA SPONTE*, THE IMPOSITION OF SANCTIONS  
AGAINST DEFENDANT RETZLAFF

Plaintiff ViaView requests that this court, *sua sponte*, convene a hearing on October 7, 2014. Retzlaff has already violated the restraining order issued in San Jose Superior Court multiple times and continues to do so on a regular basis. He lied to this court when he said that his delay in filing his SLAPP motion was due to power outages. Sanctions under Federal Rule of Civil Procedure 11(b) are appropriate herein and an Order to Show Cause why sanctions should not be imposed should issue directly from this court pursuant to section 11(c)(3). The relevant parts are:

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

- 1                             (3) the factual contentions have evidentiary support or, if specifically so identified, will  
2                             likely have evidentiary support after a reasonable opportunity for further investigation or  
3                             discovery; and  
4                             (4) the denials of factual contentions are warranted on the evidence or, if specifically so  
5                             identified, are reasonably based on belief or a lack of information.

6

7                             (c) Sanctions.

8                             (3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or  
9                             party to show cause why conduct specifically described in the order has not violated Rule  
10                            11(b).

11

12 Local rules address *pro per* litigants:

13 3-9. Parties

14                             (a) **Natural Person Appearing Pro Se.** Any party representing him or herself without an  
15                             attorney must appear personally and may not delegate that duty to any other person who is not a  
16                             member of the bar of this Court. A person representing him or herself without an attorney is  
17                             bound by the Federal Rules, as well as by all applicable local rules. Sanctions (including default  
18                             or dismissal) may be imposed for failure to comply with local rules.

19

20                             We pray that this court issue an Order to Show Cause why sanctions should not be imposed upon  
21 Mr. Retzlaff. At very least, the court should convene a hearing where all parties are present to set some  
22 rules for decorum for Mr. Retzlaff and to determine whether sanctions should be placed on Mr. Retzlaff.

23                             The court should be aware that it took four months to serve Mr. Retzlaff in this case. He was  
24 served concurrently with the state court restraining order. He threatened to sue Counsel herein if  
25 Counsel had Retzlaff served, and he did. Retzlaff was served July 14<sup>th</sup>, Counsel was sued July 15.

26                             An Order to Show Cause why Retzlaff should not be held in contempt for repetitive violation of  
27 the restraining order issued in San Jose Superior Court and it calls for personal service. Retzlaff has  
28 already run from service. He saw the process server and drove away from his home. Like March 17

1 through July 13, 2014, Retzlaff has sequestered himself in his house. We cannot wait four months or  
2 more to get him served again in the State Court case. Indeed, the only reason we were able to get  
3 Retzlaff served for the instant case is because we had inside information that he would be at the hospital  
4 getting outpatient surgery on July 14<sup>th</sup>. Retzlaff even hid behind a wall in an attempt to avoid service.

5 Counsel for Plaintiff freely admits that although it would be proper to convene a hearing for  
6 sanctions under Rule 11 against Retzlaff anyway, Counsel's ulterior motive is to get Retzlaff into the  
7 jurisdiction so that he can be personally served on the OSC re Contempt. It must be underscored – this  
8 Court has more than enough to impose significant sanctions against Mr. Retzlaff under Rule 11  
9 notwithstanding anything that has to do with the restraining order. We believe it to be an increasingly  
10 prevalent threat to the Plaintiffs herein should Retzlaff continue his conduct ungoverned.

11 7-8. Motions for Sanctions—Form and Timing

12 Any motion for sanctions, regardless of the sources of authority invoked, must comply with the  
13 following:

- 14 (a) The motion must be separately filed and the date for hearing must be set in conformance  
15 with Civil L.R. 7-2;
- 16 (b) The form of the motion must comply with Civil L.R. 7-2;
- 17 (c) The motion must comply with any applicable Fed. R. Civ. P. and must be made as soon as  
18 practicable after the filing party learns of the circumstances that it alleges make the motion  
19 appropriate; and
- 20 (d) Unless otherwise ordered by the Court, no motion for sanctions may be served and filed  
21 more than 14 days after entry of judgment by the District Court.

22  
23 Though a motion for sanctions must be “separately filed,” here Plaintiff is inviting the court to  
24 use its inherent powers under Rule 11(c)(3). Civil Local Rule 7-2 calls for notice of not less than 35  
25 days for the setting of a hearing requesting sanctions. That is too little time to get Mr. Retzlaff into the  
26 jurisdiction, as he will no doubt fail to appear on October 6<sup>th</sup> in State Court, and it is too much time to  
27 stop Mr. Retzlaff from doing something truly dangerous to Plaintiffs or Counsel. Retzlaff has a history  
28 of threatening opposing counsel, counsel in this case has been threatened, and Counsel is aware of at

1 least three other occasions wherein opposing counsel was threatened by Retzlaff. Accordingly, Plaintiff  
2 respectfully requests that the Court issue an Order to Show Cause why sanctions should not be imposed  
3 and set a hearing to examine these issues on October 7, 2014. As Defendant Lipton and her counsel  
4 have comported themselves in an appropriate manner, we have no objection to this proceeding being  
5 limited to Defendant Retzlaff.

6

7

8 Dated: 15 September 2014

LAW OFFICES OF JAY LEIDERMAN

9

10 By: /s/ Jay Leiderman  
11 Jason S. Leiderman  
12 Attorney for Plaintiffs  
13 James McGibney  
ViaView, Inc.  
jay@criminal-lawyer.me

1  
2                   **DECLARATION OF JASON S. LEIDERMAN**  
3  
4

- 5       1. I am an attorney duly licensed to practice law in the State of California. I represent Plaintiffs  
6 ViaView, Inc. and its employees, including James McGibney.  
7  
8       2. This declaration lacks certain foundational facts because they were laid out in detail in Counsel's  
9 declaration filed as part of Plaintiff's Omnibus Response to all of Defendant's motions now set for  
10 November 20, 2014. Counsel incorporates that declaration by reference.  
11  
12      3. Retzlaff lied under penalty of perjury about the central fact upon which the continuance should  
13 be based, namely that he suffered power outages (see declaration of McGibney filed concurrent  
14 herewith) and Exhibit 1 Wall Street Journal. Mr. McGibney's declaration discusses the specific facts of  
15 how we know EXACTLY that Retzlaff suffered no power outages. Exhibit 1, the Wall Street Journal  
16 article from September 9, 2014 states that 10,000 homes lost power on the 8<sup>th</sup>, but by morning that  
17 number dwindled to 250 homes. I have looked at numerous other articles and each one contains the  
18 exact same figures. Accordingly, power was out overnight for some people. Exhibit 1 is only 3 pages  
19 out of 5 because the remaining 2 pages were ads and people's comments. This case has already been the  
20 subject of more voluminous filings this early in the case than I have had in any case not involving a  
21 criminal client facing life in prison. I have thus tried to minimize the paper associated with this  
22 opposition where I can.  
23  
24      4. In his declaration, Retzlaff exaggerates to the point of misleading the court in that he has not  
25 filed any motions in either this case or the San Jose restraining order case for several weeks. Retzlaff is  
26 a prolific writer, and hasn't filed any motions in this case since September 2, 2014. His motion for a  
27 new trial, his last pleading in the restraining order case was filed in San Jose on August 25, 2014 (See  
28 exhibit 2, file-stamped page of that filing). Having said that, it is fair to note that Counsel for Plaintiff's  
request to move the September 18<sup>th</sup> date was quite sloppy factually, so it is probably fair to give Retzlaff  
the benefit of the doubt that he was just very sloppy here.  
29  
30      5. Under California law, attorney's fees are assessed against the losing party of a SLAPP motion.  
31 This provision is mandatory. Here, Retzlaff is trying to delay the filing of his motion beyond the date of  
32 Lipton's hearing for that reason and because he already owes Counsel for ViaView a small portion (if  
33

1 one uses a pro-rata basis) of the fees assed against him at the restraining order hearing in Santa Clara  
2 Superior Court (\$10,000.00) due to the loss of the SLAPP motion. See Exhibit 3. Those fees remain  
3 unpaid. Retzlaff has boasted on his blog the BV Files that he will never pay those fees. Retzlaff wants  
4 to hedge his bet, see what happens in Defendant Lipton's motion before he files his SLAPP. Based  
5 upon my experience with Retzlaff, which unfortunately has grown quite vast, he will file a SLAPP, but  
6 he will write a new one this weekend if the Court rules on September 18<sup>th</sup> and Lipton loses. Retzlaff  
7 will tailor his motion and base it upon how Lipton loses, if she loses. Retzlaff was ordered to pay a  
8 \$10,000.00 bond if he wants to appeal. He has not yet posted that bond.

9       6. The SLAPP motion that he filed in the San Jose restraining order case that has nearly identical  
10 facts and law to the one that he proposes to file herein. See Exhibit 3 and 4. Only the motion, list of  
11 exhibits and Retzlaff's declaration are included, as the rest are superfluous herein.

12       7. In a nearly parallel way, Retzlaff asked the court in the San Jose restraining order case to extend  
13 time to file a SLAPP motion, claiming he had been working on it diligently for a significant period of  
14 time. When that motion to continue was denied, Retzlaff filed a completed SLAPP motion after the  
15 lunch break, with exhibits and a declaration. That is appended hereto as Exhibit 4. Though Counsel had  
16 a chance to neither read nor respond in writing to the motion, Counsel was able to argue the points  
17 raised by Retzlaff. The motion was denied for several reasons, none of which involved the timeliness of  
18 the filing. The Clerk's record of denial is attached hereto as Exhibit 3. The motion was denied for, *inter*  
19 *alia*, Retzlaff's failure to affirmatively state that he actually participated in any of the complained of  
20 protected speech and that the speech at issue, death threats, defamation and the like were not protected.  
21 In other words, like Lipton, he denies that any of his speech was affected by this lawsuit and that death  
22 threats and defamation are protected speech worthy of striking the complaint under section 425.16; in  
23 that his defense, as put forth in his declaration (Appended to his SLAPP motion; Exhibit 4) is that he  
24 didn't do it and if he did his conduct was protected. The court can consider, when ruling on a permissive  
25 filing, the merits of that filing.

26       8. Though Retzlaff continually states that he is an unsophisticated *pro per* litigant, he has  
27 previously twice been ordered by courts to stop holding himself out as a lawyer (See Omnibus Response  
28 Exhibits 5 and 11), he has filed, by some accounts, over 55 lawsuits, has been declared a vexatious

1 litigant. (Omnibus Response Exhibits 5 and 6), and claims to be “very good” at litigation, and states in  
2 Exhibit 5 that: “I got me a book of every single possible federal motion one can ever file. The Lexis-  
3 Nexis database is wide and deep, bitches! And Imma gonna use every single one of them!!! *My law-fare*  
4 *has been honed by DECADES of experience going up against the biggest law firms in TX.* You think  
5 some sole practitioner faggot like Leiderman stands a chance here, especially when I can file LOLsuits  
6 all over the US?” (emphasis added)

7 9. Retzlaff has also stated to Counsel that he has been consulting with counsel in California,  
8 Arizona and Texas. See Exhibit 6. Though the consultation was supposedly about the restraining order,  
9 he nonetheless has had access to counsel in California, as well as the top 1<sup>st</sup> amendment lawyer in Texas.

10 10. Retzlaff has also previously stated in an email to his daughter Brittany that he sent in violation of  
11 the TRO in place against him (Exhibit 7): “You stupid, stupid little girl. You and this retard (referencing  
12 Mr. McGibney) think you’re dealing with some kind of amateur? *I’ve been doing this shit for nearly 20*  
13 *years and I’ve won hundreds of thousands of dollars – all on my own against some of the biggest and*  
14 *best law firms in TX. You don’t think I know what the fuck I’m doing?* And now I have one of the  
15 Number One 1st Amendment lawyers in TX on my side, as well as THE TOP 1st Amendment lawyer in  
16 California waiting, you think that faggot McGibney and Leiderman can beat me?” (emphasis added)

17 11. Retzlaff is using this request for an extension of time for improper purposes such as to “play  
18 games” or further attempt to drive up fees for Mr. McGibney by filing more deceptive, duplicitous and  
19 frivolous papers, as he states in the excerpt of Exhibit 5 above. This is part of what he describes as  
20 lawfare; lawfare being a portmanteau of law and warfare. An email to his daughter Brittany explains  
21 Retzlaff’s litigation strategy: “Just so you know that I will fight, that I fight hard, and that I end up  
22 winning more often than not. And when I do lose, I make damn certain that the other guy wished he  
23 hadn’t got into the fight to begin with. *That’s the secret to losing: making the other guy’s “victory” taste*  
24 *like burnt ashes in his mouth with his litigation budget all blown to hell, his bosses all pissed off over all*  
25 *the delays and hearings and clients being forced to write check after check in order to stay in the fight.*  
26 And in the end left then with nothing but a scrap of paper with a judgment on it not worth the paper it is  
27 written on.” (Exhibit 8, emphasis added) Exhibit 8 is only page one of a two page email. This is also  
28 part of Exhibit 19 to the Omnibus Response Motion.

1       12. Herein, Mr. Retzlaff has finally erred significantly under penalty of perjury, and should be held  
2 accountable for it. He uses the legal system as his own personal hobby and could care less about how he  
3 governs his behavior. If the below excerpts from Exhibit 5 in this paragraph and appended hereto as  
4 Exhibit \_\_\_\_ of Retzlaff's statements are unclear, Counsel herein is the "jew [sic] m-----f----, kike and  
5 faggot." This is described in Exhibit 5.

6       13. This whole proceeding is a joke to Retzlaff. He refers to litigation as "LOLsuits" or something  
7 for him to get his laughs over. LOL being an internet expression for "laugh out loud." As an example,  
8 Retzlaff accuses Counsel in prior pleadings of placing false and forged documentary evidence before  
9 this court. He claims in his pleadings, but not in his declaration under penalty of perjury specifically  
10 that Counsel herein faked his convictions from Texas in 1996, even though the certified conviction was  
11 introduced in the proceeding that terminated his parental rights (Omnibus Reply Brief exhibits 16 and  
12 20. Retzlaff has also separately accused Counsel of faking exhibits 13 and 14, but not yet in pleadings).  
13 He goes on to state in his papers that false evidence Counsel filed must belong to one of the 15,000  
14 Thomas Retzlaffs in this country. He has said the same thing on his blog about the certified conviction  
15 for his sex offense. This fact is important because it shows a pattern between the blog and Retzlaff that  
16 speaks to misusing the courts. Retzlaff has sued Counsel herein for defamation in Arizona for calling  
17 him a convicted sex offender. The certified conviction has Retzlaff's middle name, date of birth, and  
18 notes by name that his two children were present for the exhibition of the prurient harmful matter.  
19 Retzlaff's stated objective of the lawsuit was to separate Counsel from Plaintiff herein. Moreover, he  
20 made a clear threat on his blog, the BV Files, the blog at issue herein, that if he was served with the  
21 restraining order that he would sue Counsel the next day. Retzlaff was served on July 14<sup>th</sup>, he sued  
22 Counsel July 15<sup>th</sup>. Counsel has yet to be served. These facts are salient as they not only go to show that  
23 Retzlaff uses the courts to amuse himself, but they also go to the necessity for sanctions.

24       14. In the interim weeks where Retzlaff has not been filing motions, he has been intimidating a  
25 witness, namely Denise Hollas. He forced her to write a perjurious declaration. This is evident from her  
26 own words. See Exhibit 9, wherein she not only thanks Mr. McGibney for his litigation and protection  
27 of her daughter, she states that she will call Nancy Grace and Montel Williams to sing his praises.  
28 Moreover, she states how scared she is of Retzlaff, that he was already trying to get her to sign a false

1 declaration and that she believed Retzlaff would hurt her if she did not sign a declaration for him. (See  
2 Exhibit 9) Of note, the declaration filed in this case states in no location that the previous declaration –  
3 the one that devastates Retzlaff’s case – was untrue in any respect. The longer this goes on, the more  
4 danger Retzlaff poses to Denise Hollas, Brittany Retzlaff, Collin Retzlaff, Mr. McGibney and Counsel  
5 herein. At the heart of this case are death threats leveled at Mr. McGibney. Retzlaff has also recently  
6 threatened Counsel. See Exhibit 10. That Retzlaff caused a witness to submit a false declaration and  
7 entered it into this proceeding is sanctionable under Rule 11.

8 15. I have been told by Paul Gianni, Texas counsel for ViaView, that he was threatened by Retzlaff.  
9 I have read the “Go America” case, which details Retzlaff’s threats against counsel therein. I have also  
10 read a deposition transcript as well as a declaration from a court reporter for Retzlaff’s deposition in the  
11 University of Texas academic fraud case. He threatened that attorney as well. Those are only the  
12 threats I personally know about. Counsel for Go America that was threatened told me there were several  
13 more, but had no specifics.

14 16. Due to time concerns, I believe that an expedited setting of an Order to Show Cause why  
15 sanctions should not issue is in the best interest of the safety of Plaintiff’s business and personal safety.  
16 Likewise for Counsel, as Retzlaff states in Exhibit 5: “I got EIGHT – count ‘em – eight, motherfucker, 8  
17 lawsuits already ghost written for JoJo so when he gets out he’ll be ready and we gonna fuck all you  
18 letter writing bitches up BIG TIME! I got shit for Jo Jo to use in small claims court as well as in federal  
19 court. *Leiderman, you’re toast, bitch! Your law practice will be nothing but JoJo and TR for the next 12*  
20 *months, bitch. No time for paying clients faggot. I got a PACER account already set up for Jo Jo so we*  
21 *can rock and roll!!!* Funny how I never had no cause to speak to him before (thus no conspiracy w/ him)  
22 until you cunts came along and caused us all to band together for our mutual defense.” (emphasis added)  
23 The JoJo referenced is a man soon to be released from federal prison. His name is Joseph Camp. I  
24 wrote a victim impact letter in that case, as did Mr. McGibney. With Retzlaff’s importuning, it appears  
25 that Camp, a man that ViaView has a restraining order against because he stalked Mr. McGibney and  
26 me for months, is likely to engage in the same kind of frivolous litigation.

27 17. Moreover, Retzlaff has placed false or misleading materials in many pleadings filed with this  
28 court.

1       18. In document 49, paragraph 9 located on page 4, Retzlaff essentially denies that the emails he sent  
2 to his daughter are from him. They are sent from the email address he registered with PACER.  
3 Moreover, he knows what emails he sent to his daughter.

4       19. On page 11 he accuses Counsel of submitting fake evidence. While Mr. Retzlaff, under Texas  
5 law, is entitled to say that he was never arrested or charged for those events, he has admitted many times  
6 in several lawsuits and published opinions that they happened. It is a false accusation. Likewise with  
7 the harassment charges. The fact remains, there is still a court case available on the internet that details  
8 the 6 harassment arrests.

9       20. Retzlaff accuses Counsel of submitting a false FaceBook and LinkedIn profile. First, Counsel  
10 located them via a search using T\_Retz@Hotmail.com – an email address he uses for delivery of  
11 documents to him through PACER in this very case. Second, the pages themselves reflect  
12 extraordinarily similar lies to the ones he told the University of Texas to gain admission.

13       21. In document 50, he states that the declarations of Denise Hollas and Collin Retzlaff were  
14 obtained under duress and unlawfully. Exhibit 9 proves this untrue.

15       22. Retzlaff goes on in that document to make false assertion after false assertion. We cannot  
16 address these one by one, as they are too voluminous. Mr. McGibney addresses them summarily in his  
17 declaration. This is more than enough for sanctions under Rule 11.

18  
19       I declare under penalty of perjury under the laws of the State of California that the foregoing is  
20 true and correct. Executed on September 15, 2014, at Ventura, California.

21  
22       By: \_\_\_\_\_/s/ Jay Leiderman \_\_\_\_\_  
23       JASON S. LEIDERMAN  
24       Counsel for Petitioner ViaView

25  
26  
27  
28       DECLARATION OF JASON LEIDERMAN IN SUPPORT OF  
OPPOSITION TO DEFENDANT RETZLAFF'S MOTION TO  
EXTEND TIME TO FILE A SPECIAL MOTION TO STRIKE;  
REQUEST FOR A HEARING ON THE MATTER

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8  
9 Attorney for Plaintiffs  
10 VIAVIEW INC.  
11 JAMES MCGIBNEY

12  
13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT, SAN JOSE DIVISION

16  
17 VIAVIEW, INC, et al., ) Case No. 5:14-cv-01059  
18 PLAINTIFFS )  
19 V. )  
20 THOMAS RETZLAFF, et al., ) DECLARATION OF JAMES MCGIBNEY IN  
21 DEFENDANTS. ) SUPPORT OF OPPOSITION TO DEFENDANT RETZLAFF'S  
22 ) MOTION TO EXTEND TIME TO FILE A SPECIAL MOTION  
23 ) TO STRIKE

24  
25 JAMES MCGIBNEY declares the following under penalty of perjury:

- 26  
27 1. I am the founder and CEO of ViaView Inc and BullyVille, Inc.  
28 2. From approximately 7-15-2014 until 8-29-14, I had constant and continuous conversations with  
Denise Hollas. These daily conversations occurred by email ([dahollas@iasishealthcare.com](mailto:dahollas@iasishealthcare.com)) and by  
daily phone conversations. We spoke, at length, every single morning. I would check on her daily to  
make sure she was okay and that Thomas Retzlaff hadn't tried to hurt her. She is the alleged victim  
of a brutal rape by Thomas Retzlaff, which he videotaped. She has had prior restraining orders in  
place against him, which he violated. Her safety has always been my main concern and I was  
surprised to see her second affidavit but, unfortunately, I can understand why it occurred.  
3. I can verify the authenticity of all emails that came from [dahollas@iasishealthcare.com](mailto:dahollas@iasishealthcare.com) because each  
email has an associated IP address that resolved back to [iasishealthcare.com](http://iasishealthcare.com). See Exhibit 8  
4. At no time have I ever threatened Denise Hollas by any form of communication. Her second  
declaration was created the same day that her first affidavit became public (a month after the fact).  
There is no doubt in my mind, which emails, text messages and phone conversations corroborate,

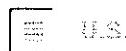
1 that Thomas Retzlaff forced Denise Hollas to sign that second affidavit. He also tried to get her to  
2 sign another affidavit claiming that I threatened her physically, however she refused.

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5. Furthermore, it should be noted, that all emails, text messages and Twitter DM sessions between myself and Denise Hollas were immediately forwarded to the FBI, the San Jose Police Department, the Santa Clara District Attorney and our Corporate Counsel, immediately upon receipt. This included any death threats that Thomas Retzlaff made towards his daughter, Brittany Retzlaff, who currently has a restraining order in place against him.
  6. The allegations that Mr. Retzlaff makes that I'm the owner of the revenge porn website myex.com are outrageous and patently false. Nor do I have any form of a controlling interest within myex.com. As a matter of fact, through my company Bullyville.com, I have gone after and successfully shut down many revenge porn websites, including, but not limited to, Isanyoneup.com.
  7. Within vexatious litigant, serial liar and repeat perjurer's latest affidavit, Mr. Retzlaff claims that he was without power, therefore he needs additional time to file his Anti-SLAPP appeal. This morning I contacted the power emergency number for Phoenix SRP, which is (602) 236-8811. I spoke to Courtney at SRP headquarters (1521 N. Project Drive Tempe, AZ 85281-1298) which provides the power to Thomas Retzlaff's address, which is 8312 W. Elm Street, Phoenix, AZ 85037. She verified that there were no recent power outages to that address over the past three weeks. Furthermore, she stated that she doesn't see any outage history for that address for the past six months. Here is their website <https://www.srpnet.com/>. Lastly, it can be easily proven that Thomas Retzlaff was blogging every single day. I am confident that if we subpoenaed the SRP records for Mr. Retzlaff's address that they would show no power outages.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in Santa Clara County, California on this 15<sup>th</sup> day of September 2014.

James A. McGibney  
James McGibney

# **EXHIBIT 1**



TOP STORIES

1 of 12



Decades After  
Nuclear Test, U.S.  
Studie...

U.S. Aims to Deter Terror  
Enlistment

2 of 12



Death Count  
Raised in GM  
Ignition-Swite...

3 of 12



Black Lung  
Disease Makes  
Comeback, Stu...

## U.S. NEWS

## Arizona Governor Declares Emergency After Heavy Rains

Flooding Results in at Least Two Deaths, Power Outages, Closed Roads and Schools

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By ERICA E. PHILLIPS [CONNECT](#)

Updated Sept. 9, 2014 8:31 a.m. ET

Phoenix Mayor Greg Stanton declared a state of emergency Monday after heavy rain spurred flash flooding across the state of Arizona. These videos show a flooded roadway in Phoenix and a bike path in Scottsdale. Photo: Instagram/chaneledens

Arizona Gov. Jan Brewer declared a state of emergency Monday after unusually heavy rainfall flooded several major roads, triggered power outages and school closings in Phoenix, and caused at least two deaths.

A woman in her 50s was killed Monday morning when her car was swept away by rushing water in Tucson. Authorities hadn't identified her.

The Associated Press reported that a 76-year-old woman drowned when her husband tried to drive across a flooded wash in Pinal County, south of Phoenix.

The effects of the remnants of Hurricane Norbert will likely hang around through Tuesday evening, National Weather Service meteorologist Charlotte Dewey said, the AP reported.

"It looks like things could still be active tomorrow, but I don't think we're going to see the rainfall amounts we saw today," she said Monday evening, according to the AP. "I think by tomorrow evening, the threat of heavy rainfall will be gone."

But, she warned that with so much rain falling across the region, any additional precipitation could quickly cause new flooding because the ground is already saturated, the AP reported.

Phoenix Mayor Greg Stanton also declared a local state of emergency after the city saw record daily rainfall of more than 3 inches at Phoenix Sky Harbor International Airport. In an average monsoon season, which typically runs from July to September,

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#### ARTICLES

- 1 [Opinion: We're Number 32!](#)



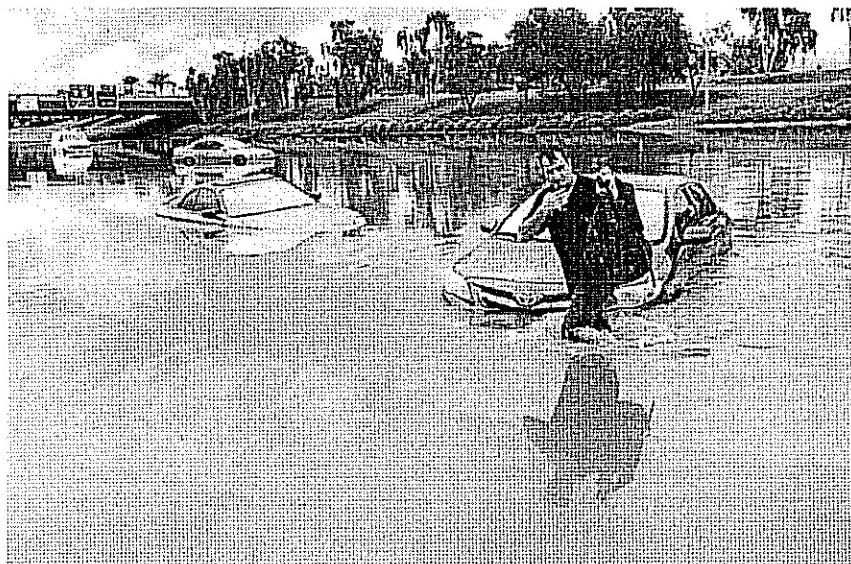
- 2 [Microsoft Buys 'Minecraft' Maker](#)



- 3 [Venture Capitalist Sounds Alarm on Silicon Valley Risk](#)

the Phoenix area receives about 2.71 inches of rain. Maricopa and La Paz counties also declared states of emergency.

"I grew up here in Phoenix and I've never seen anything like it," Mr. Stanton said.



Jim Sampson retrieves his belongings Monday from his car stuck on Interstate 10 in Phoenix, after the city was hit by unusually heavy rain. *Arizona Republic/Associated Press*

Rainfall in Tucson also broke records, reaching 1.87 inches by midday.

Ms. Brewer said the rains had damaged residential property and prompted evacuations, and she warned flooding could continue over the coming days. She called for \$200,000 from the state's general fund to be made available to the Arizona Department of Emergency Management and authorized mobilization of the Arizona National Guard.

Flooding is common in Arizona. Several people drown in floodwaters annually in the mountainous desert state, according to the U.S. Geological Survey. But Arizona, which has more than 6.5 million residents, accounted for less than 50,000 flood-insurance policies in 2013, according to the National Flood Insurance Program.

The National Weather Service issued flash-flood warnings Monday for counties throughout Arizona, as well as parts of southern Nevada and California. Authorities encouraged Arizona residents to avoid several roadways and stay home Monday.

In Phoenix, as many as 10,000 homes were without power early Monday morning, but that fell to 250 by late morning, according to Arizona Public Service Co., the local power company.

Interstate 10 was flooded and inaccessible just west of downtown Phoenix on Monday morning, and emergency workers rescued several stranded drivers from the major freeway. Bart Graves, a spokesman for the Arizona Department of Public Safety, said at least a dozen cars were completely submerged.



- 4** Peter Thiel:  
Competition Is for Losers

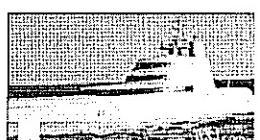


- 5** Opinion:  
Covering for the IRS



#### VIDEO

- 1** Inside a Russian Billionaire's \$300 Million Yacht



- 2** Islamic State Video Claims Beheading of British Citizen



- 3** Do You Make \$400,000 a Year But Feel Broke?



- 4** The Overdiagnosis of Cancer in America



- 5** 26-Nation Talks on Fighting Islamic State Begin



AdChoices ▾

9/15/2014



A truck creates a wake as it tries to navigate a severely flooded street Monday in Phoenix. *Associated Press*  
The state Department of Transportation said pumps were working to clear water from the freeways, and progress would speed up as soon as the rain cleared.

Mr. Stanton said crews were working quickly to assess the damage around Phoenix, with a particular focus on the water delivery and drainage systems. "We're concerned about overflowing those systems," Mr. Stanton said. "They are full right now so we're monitoring them very closely."

Heavy rains also hit parts of Southern California overnight, closing several roads in parts of Riverside and San Bernardino counties, but no major damage was reported.

Write to Erica E. Phillips at [erica.phillips@wsj.com](mailto:erica.phillips@wsj.com)

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# **EXHIBIT 2**

**COPY**(ENDORSED)  
(RECD)

AUG 25 2014

SANTA CLARA COUNTY COURT  
SANTA CLARA, CALIFORNIA

1 Thomas Retzlaff  
 2 PO Box 46424  
 3 Phoenix, AZ 85063-6424  
 (210) 317-9800 - Phone  
 (623) 547-7757 - Fax

Defendant, Pro se

VIAVIEW, INC.,

Plaintiff,

vs.

THOMAS RETZLAFF,

Defendant

Case No.: 1-14-CH-005460

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF MOTION  
FOR NEW TRIAL, DECLARATION OF  
THOMAS RETZLAFF, EXHIBITS,  
TELEPHONE APPEARANCE REQUESTEDTRIAL: JULY 29, 2014  
JUDGMENT MAILED: JULY 31, 2014  
60 DAYS EXPIRE: SEPT 29, 2014

PLACE: DEPT 19

TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF  
RECORD:

Defendant Thomas Retzlaff herein submits his memorandum of points and authorities, declarations, and exhibits in support of his motion for a new trial in the above-entitled action.

Defendant requests a telephone appearance should the court set this matter for a hearing.

Said judgment was mailed on July 31, 2014, and served on defendant on August 4, 2014. On August 13, 2014, defendant filed his Notice of Intention to File Motion for New Trial.

BY FAX

# EXHIBIT 3

Superior Court Of California  
Minute Order - CIVIL LAW AND MOTION  
HONORABLE SOCRATES P. MANOUKIAN

Calendar For: 07/29/14

Page: 1

Pam Cardiff L. Thode / Diane Macias  
Reporter: Georgeann Wiles Clerk: Diane Macias Bailiff: Tyler Fleckner  
Dept: Dept 19 Diane Macias 10:10

1. 09:00AM Case: 1-14-CH-005460 ViaView Inc. Vs Thomas Retzlaff  
Type: Workplace Violence Date Filed: 03/17/14  
SubType:  
SV: 05/05/14  
Event: CV OSC/TRO Civil Harass Result Code:  
Text: signed without changes - 1st reissuance from 4-8-14 -  
2nd reissuance from 5-12-14

PLT-0001 ViaView Inc.  
Atty: Jay Leiderman ✓  
DEF-0001 Thomas Retzlaff TRO Exp. Date: 07/29/14  
EMP-0001 P James McGibney Atty: Katrina Sateen Sp. Ap  
OTH-0001 Susan Basko

( ) NO APPEARANCE ( ) OFF CALENDAR ( )  
TENTATIVE RULING: (X) CONTESTED ( ) NOT CONTESTED  
( ) ADOPTED ( ) AS AMENDED ( ) SEE BELOW ( ) SEE ATTACHED

THE COURT ORDERS THIS CASE:

( ) SET FOR \_\_\_\_\_ ON \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) CONTINUED TO \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) DISMISSED ( ) WITH PREJUDICE ( ) WITHOUT PREJUDICE ( ) RE: \_\_\_\_\_  
( ) NO SERVICE; REISSUED TO \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) TEMPORARY RESTRAINING ORDER TO REMAIN IN EFFECT  
MOTION/PETITION X ARGUED X GRANTED ( ) DENIED X OTHER TRO Granted for 3  
years until 7-28-14.  
( ) DEMURRER ( ) SUSTAINED ( ) WITH DAYS LEAVE TO AMEND ( ) WITH LEAVE TO AMEND BY \_\_\_\_\_  
CAUSE(S) OF ACTION  
( ) WITHOUT LEAVE TO AMEND ( ) AS TO \_\_\_\_\_  
( ) OVERRULED \_\_\_\_\_ DAYS TO ANSWER OR PLEAD FURTHER ( ) AS TO \_\_\_\_\_ CAUSE(S) OF ACTION  
( ) TAKEN UNDER SUBMISSION; WRITTEN DECISION TO BE MAILED  
ORDER SIGNED X SERVED ON COUNSEL IN COURT( ) TO PREPARE ORDER  
( ) EXEMPTION: ( ) ALLOWED ( ) DISALLOWED ( ) OTHER \_\_\_\_\_  
( ) PAYMENT GRANTED \$ \_\_\_\_\_ PER \_\_\_\_\_ FROM \_\_\_\_\_ ( ) CERTIFIED COPY OF MINUTES TO SHERIFF  
( ) SWORN, EXAMINED AND DISCHARGED ( ) PURGED OF CONTEMPT ( ) ORDERED RELEASED  
( ) BAIL: ( ) APPLIED \$ \_\_\_\_\_ ( ) EXONERATED \$ \_\_\_\_\_ ( ) FORFEITED ( ) OTHER \_\_\_\_\_  
( ) BENCH WARRANT ORDERED FOR \_\_\_\_\_ BAIL \$ \_\_\_\_\_  
( ) SET FOR ( ) COURT TRIAL ( ) JURY TRIAL ON \_\_\_\_\_ AT 8:45 AM. TIME ESTIMATE \_\_\_\_\_  
( ) JURY DEMANDED BY \_\_\_\_\_ ( ) JURY WAIVED BY \_\_\_\_\_  
( ) TRIAL COUNSEL PLAINTIFF \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
( ) SETTLEMENT CONFERENCE ON ( ) WEDNESDAY PRIOR TO TRIAL ( ) ON \_\_\_\_\_  
X OTHER ORDERS: Attorney fees of \$10,000.00 granted.

Superior Court Of California  
Minute Order - CIVIL LAW AND MOTION  
HONORABLE SOCRATES P. MANOUKIAN

Calendar For: 07/29/14

Page: 1

Pam Cardiff  
Reporter: Georgeann Wiles Clerk: Diane Macias L. Those /  
Diane Macias Bailiff: Tyler Fleckner  
Dept: Dept 19 Diane Macias 10:16

1. 09:00AM Case: 1-14-CH-005460 ViaView Inc. Vs Thomas Retzlaff  
Type: Workplace Violence Date Filed: 03/17/14  
SubType:  
SV: 05/05/14  
Event: CV Mtn: Quash Result Code:  
Text: Motion to Quash Service - Lack of Jurisdiction Over  
Non-Resident by Respondent Thomas Retzlaff (in pro per)

PLT-0001 ViaView Inc.

Atty: Jay Leiderman ✓ Present

N DEF-0001 Thomas Retzlaff TRO Exp. Date: 07/29/14

EMP-0001 James McGibney ✓ Present

Atty: Jay Leiderman

OTH-0001 Susan Basko

Atty SA Katrine Saleen ✓

( ) NO APPEARANCE ( ) OFF CALENDAR ( )  
TENTATIVE RULING: X CONTESTED ( ) NOT CONTESTED  
( ) ADOPTED ( ) AS AMENDED ( ) SEE BELOW ( ) SEE ATTACHED

THE COURT ORDERS THIS CASE:

( ) SET FOR \_\_\_\_\_ ON \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) CONTINUED TO \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) DISMISSED ( ) WITH PREJUDICE ( ) WITHOUT PREJUDICE ( ) RE: \_\_\_\_\_  
( ) NO SERVICE; REISSUED TO \_\_\_\_\_ AT \_\_\_\_\_ DEPT \_\_\_\_\_  
( ) TEMPORARY RESTRAINING ORDER TO REMAIN IN EFFECT  
X MOTION/PETITION X ARGUED ( ) GRANTED X DENIED ( ) OTHER \_\_\_\_\_

( ) DEMURRER ( ) SUSTAINED ( ) WITH \_\_\_\_ DAYS LEAVE TO AMEND ( ) WITH LEAVE TO AMEND BY \_\_\_\_\_  
( ) WITHOUT LEAVE TO AMEND ( ) AS TO \_\_\_\_\_ CAUSE(S) OF ACTION  
( ) OVERRULED \_\_\_\_ DAYS TO ANSWER OR PLEAD FURTHER ( ) AS TO \_\_\_\_\_ CAUSE(S) OF ACTION  
( ) TAKEN UNDER SUBMISSION; WRITTEN DECISION TO BE MAILED  
( ) ORDER SIGNED ( ) SERVED ON COUNSEL IN COURT ( ) \_\_\_\_\_ TO PREPARE ORDER  
( ) EXEMPTION: ( ) ALLOWED ( ) DISALLOWED ( ) OTHER \_\_\_\_\_  
( ) PAYMENT GRANTED \$ \_\_\_\_\_ PER \_\_\_\_\_ FROM \_\_\_\_\_ ( ) CERTIFIED COPY OF MINUTES TO SHERIFF  
( ) SWORN, EXAMINED AND DISCHARGED ( ) PURGED OF CONTEMPT ( ) ORDERED RELEASED  
( ) BAIL: ( ) APPLIED \$ \_\_\_\_\_ ( ) EXONERATED \$ \_\_\_\_\_ ( ) FORFEITED ( ) OTHER \_\_\_\_\_  
( ) BENCH WARRANT ORDERED FOR \_\_\_\_\_ BAIL \$ \_\_\_\_\_  
( ) SET FOR ( ) COURT TRIAL ( ) JURY TRIAL ON \_\_\_\_\_ AT 8:45 AM. TIME ESTIMATE \_\_\_\_\_  
( ) JURY DEMANDED BY \_\_\_\_\_ ( ) JURY WAIVED BY \_\_\_\_\_  
( ) TRIAL COUNSEL PLAINTIFF \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
( ) SETTLEMENT CONFERENCE ON ( ) WEDNESDAY PRIOR TO TRIAL ( ) ON \_\_\_\_\_

X OTHER ORDERS: Slapp Motion filed and served. Slapp Motion denied.

( ) Motion to file declarations presented in court under seal by Plaintiff (Granted)  
"Attorneys, eyes only"

# **EXHIBIT 4**

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6 Thomas Retzlaff, in pro per  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 SANTA CLARA COUNTY

10 VIAVIEW, INC.,

11 Case No.: 1-14-CH-005460

12 Plaintiff,

13 vs.

14 THOMAS RETZLAFF,

15 Defendant

16 NOTICE OF MOTION AND DEFENDANT  
17 RETZLAFF'S SPECIAL MOTION TO  
18 STRIKE PLAINTIFF'S PETITION FOR  
19 WORKPLACE VIOLENCE RESTRAINING  
20 ORDER / INJUNCTION BROUGHT  
21 PURUSANT TO CCP §425.16;  
22 MEMORANDUM OF POINTS AND  
23 AUTHORITIES; DECLARATION OF  
24 THOMAS RETZLAFF; EXHIBITS

25 COMPLAINT FILED: MARCH 17, 2014  
26 DEFENDANT SERVED: JULY 14, 2014  
27 TRIAL DATE: JULY 29, 2014

28 DATE: JULY 29, 2014  
TIME: 9 AM  
DEPT: 19

29 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

30 PLEASE TAKE NOTICE THAT on July 29, 2014 9 am , or as soon thereafter as

1 counsel may be heard, in Department 19 of the above-captioned Court, located at 191 N. First St.,  
2 San Jose, CA 95113, Defendant Retzlaff will, and hereby does, move this Court to strike Plaintiff's  
3 Petition for Workplace Violence Restraining Order / Injunction pursuant to California's Anti-SLAPP  
4 statute, Section 425.16 of the Code of Civil Procedure.  
5

6 This Motion is made on the grounds that the Plaintiff's Cause of Action arise from Retzlaff's  
7 exercise of his constitutional right of free speech in a public forum and in connection with an issue of  
8 public interest, regarding an entity and individual that is a public figure, and that Plaintiff cannot  
9 establish a probability of prevailing on its claims. Plaintiff cannot establish a probability of  
10 prevailing on its claims because:

- 11 1. Plaintiff ViaView and its employee James McGibney are public figures.
- 12 2. Plaintiff ViaView and its employee James McGibney run a revenge porn website that posts  
13 intimate photographs of young women and girls, along with their personal contact details and  
14 physical descriptions, names of employers / schools, along with defamatory statements  
15 regarding false claims of promiscuity, HIV/AIDS, criminal activity, and drug use. Plaintiff  
16 ViaView and its employee James McGibney engage in a scheme whereby if you are  
17 unfortunate enough to be posted on their website, you must pay a blackmail fee of \$199 – or  
18 more, if you wish to ransom back your photographs and have this information removed.
- 19 3. Plaintiff's claims against defendant Retzlaff are based on, related to, or in response to  
20 Retzlaff's exercise of his right of free speech regarding matters of public interest, regarding  
21 individuals who are public figures.
- 22 4. The plaintiff's petition also targets non-actionable statements of opinion.
- 23 5. Lastly, Section 527.8(c) of the Code of Civil Procedure does not permit a court to issue a  
24 temporary restraining order or injunction prohibiting speech or other activities that are  
25

1 constitutionally protected, or otherwise protected by Section 527.3 or any other provision of  
2 law, which is basically what plaintiff is asking this Court to grant when plaintiff got numerous  
3 court orders to remove various social media accounts and to have certain websites taken  
4 down.

5

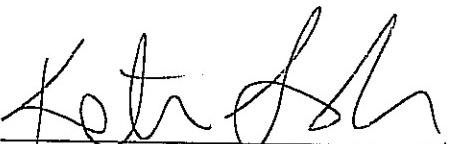
6

7 This Motion is based on this Notice of Motion, the attached Memorandum of Points and  
8 Authorities, attached Exhibits, the Declarations of Thomas Retzlaff and attorney Susan Basko, filed  
9 concurrently herewith, all of the pleadings, files, and records in this proceeding, all other matters  
10 concurrently herewith, all of the pleadings, files, and records in this proceeding, all other matters to  
11 or considered by the Court prior to its ruling.

12

13 DATED: July 28, 2014.

14

15 By:   
KATRINA M. [REDACTED] Sateen,  
[REDACTED]  
Att  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTION

Defendant Thomas Retzlaff (“Retzlaff”) makes this special motion, pursuant to Cal. Code Civ. Proc. § 425.16, to strike Plaintiffs Viaview, Inc. (“Viaview”) and James McGibney (“McGibney”) petition for Temporary Restraining Order / Injunction for Workplace Violence that was filed pursuant to Code of Civil Procedure section 527.8

The special motion to strike lies here because the claims alleged in Plaintiff's Complaint arise directly from constitutionally-protected speech concerning an ongoing and high-profile public dispute over Plaintiffs' websites and public status. Plaintiff McGibney is a high profile public figure and his website is a matter of public interest, as evidenced by the media coverage and involvement with the bullying crisis. Moreover, Plaintiffs will be unable to establish the probability of prevailing on their claims.

Plaintiff's lawsuit is therefore precisely the type of strategic lawsuit that California's anti-SLAPP statute was designed to remedy. *See, e.g., Metabolife Int'l, Inc. v. Wornick*, 264 F.3d 832, 838 (9th Cir. 2001) ("The purpose of the statute is to protect individuals from meritless, harassing lawsuits whose purpose is to chill protected expression."); *Wilcox v. Superior Court*, 27 Cal. App. 4th 809, 816 (Cal. Ct. App. 1994) ("[SLAPP suits] are generally meritless suits brought by large private interests to deter common citizens from exercising their political or legal rights or to punish them for doing so.").

The Court should grant Retzlaff's Special Motion to Strike for the following reasons. First, Plaintiffs claims arise directly from a protected activity. Second, Plaintiffs will be unable to establish probability of succeeding on the merits.

1           II. **STATEMENT OF FACTS**

2           The case arises from an attempt by plaintiff ViaView and its employee / CEO James  
3           McGibney to silence free speech and online criticism of plaintiff's company (which is a revenge  
4           porn website) via this court procedure to secure a TRO for Workplace Violence.  
5

6           Both Viaview and James McGibney are Public Figures within the meaning of the anti-  
7           SLAPP statute having inserted themselves into numerous controversies over the past several years  
8           and having made numerous media appearances regarding the subject of bullying and infidelity. As  
9           such, they are the fair subject of criticism, even intense criticism.  
10

11           In fact, plaintiffs' SLAPP violations are so extreme and pervasive that they are currently  
12           under active investigation and scrutiny in courts across this country! Specifically, there are three  
13           lawsuits currently pending in three different forums involving similar claims against the same  
14           defendant (and groups of defendants): (1) McGibney v. Retzlaff, et al., No. 067-270669-14, Tarrant  
15           County District Court in Ft. Worth, Texas, filed February 19, 2014; (2) McGibney v. Retzlaff, et al.,  
16           No. 14-cv-01059-HRL, U.S. District Court for the Northern District of California, filed March 6,  
17           2014; and (3) Via View v. Retzlaff, No. 1-14-CH-005460, Santa Clara County Superior Court,  
18           California, filed March 17, 2014.  
19

20           There are currently TWO anti-SLAPP motions for sanctions pending: one in federal court  
21           and one in Texas state court. In the Texas case there is a request for \$1 million in monetary  
22           penalties (which is allowed under Texas' version of the anti-SLAPP law). Soon there will be an  
23           anti-SLAPP motion filed in this case, as well.  
24

25           Thus, it seems extremely obvious that plaintiffs are engaging in bad faith litigation here.  
26  
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1           A. Plaintiffs' Complaint Concerns A Matter Of Public Interest

2           This action against defendant Retzlaff seeks to stifle his right to speak out on a matter of  
3 great public interest because the claims alleged in Plaintiffs' Complaint arise directly from  
4 constitutionally protected speech concerning an ongoing and high-profile public dispute over  
5 Plaintiffs' websites, their business practices, and public status. Plaintiff McGibney is a high profile  
6 public figure and his website is a matter of public interest, as evidenced by the media coverage and  
7 involvement with the bullying crisis, as well as plaintiff's ownership of a revenge pornography  
8 website and the concurrent criminal investigation into plaintiffs' blackmail activities by state and  
9 federal law enforcement agencies across the country. This is shown by the attached Declaration of  
10 Retzlaff and Basko.

13

14           B. Defendant's Actions Of Which Plaintiff Complains Concern The Public Controversy At  
15           Issue

16           If plaintiff's Complaint is taken as true it is clear from defendant's alleged act(s) that  
17 he was directly commenting on a public issue involving a public figure. Plaintiffs' action against  
18 defendant based upon defendant's alleged criticism of plaintiffs' revenge pornography and  
19 blackmail business is the epitome of a prohibited SLAPP suit—a disapproved kind of lawsuit  
20 designed to quash the right of a participant in issues of public interest to voice his/her opinion—for  
21 which the Legislature provided special protection to the defendant through its enactment of the anti-  
22 SLAPP statute.

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1                   III. Parties

2                   McGibney is the CEO and founder of ViaView, Inc. Plaintiff ViaView, Inc. is a corporation  
3 incorporated in Delaware with its only office being in Las Vegas, NV. Despite plaintiff's  
4 contention, it has no offices within the state of California (this according to the Santa Clara County  
5 Tax Office as well as the California Secretary of State's Office and Franchise Tax Board. In  
6 California, a business cannot unilaterally declare that a certain location is its office. It must have the  
7 proper permits and licenses first.

8  
9                   ViaView, Inc. operates the websites BullyVille.com and CheaterVille.com (the "Websites").  
10 Cheaterville.com is a revenge porn site that is run by ViaView. On Cheaterville people can post  
11 intimate photos and personal details about their ex- or anyone else for that matter. If you find  
12 yourself posted on Cheaterville, you will be forced to pay them \$199 (or more!) if you want to  
13 ransom back your photos and get the post removed. BullyVille.com allows individuals who believe  
14 to have been subject to bullying to post information about their alleged "bully" online. It is  
15 considered a "hate speech" website by many due to constant personal attacks by the authors of posts  
16 on that website and due to the posting of private, personal information by McGibney of persons  
17 whom McGibney considers to be on his "enemies list."

18  
19                   McGibney has been on a number of television shows over the years promoting the ViaView  
20 sites and discussing the topic of bullying and revenge porn. (See Declaration of Thomas Retzlaff;  
21 See Affidavit of Colleen Connally-Ahern, Ph.D attached hereto as Exhibit A to the Declaration of  
22 Thomas Retzlaff.) He gained national attention for his involvement with Hunter Moore and his  
23 famous revenge porn website.

24  
25                   Plaintiffs allege that Retzlaff is an out-of-state citizen, who resides in both Texas and/or  
26 Arizona, who is a supposed blogger (according to plaintiffs' TRO complaint and attachments  
27  
28

1 thereof) who supposedly writes and says mean things about plaintiffs' and their business activities  
2 on the internet. As such, pursuant to 9<sup>th</sup> Circuit Court opinions, defendant enjoys the same 1<sup>st</sup>  
3 Amendment Constitutional protections as traditional media outlets such as newspapers and  
4 television. See *Obsidian Finance Group, LLC v. Cox*, No. 12-35238 / D.C. No. 3:11-cv-00057-HZ  
5 (9<sup>th</sup> U.S. Cir. Court of Appeals, dated Jan. 2014).

6 Retzlaff has not set foot in the state of California in over apx. 5 years. (Decl. Retzlaff, ¶4.)  
7 He does not own property or businesses in the State of California. Plaintiffs allege that Retzlaff  
8 uses the following internet aliases: a. The Twitter account @MrTexxxan; b. An account named  
9 LongJohnSilver on BullyVille; c. A Facebook account for user Scott Jewels; d. A Facebook account  
10 for user Molly Santucci; e. The Twitter account @KellySwift4; f. A Facebook account for user  
11 Kelly Swift; g. E-mail alias James Smith: james.smith871003@gmail.com; h. TheDirty.com alias  
12 DickHertz, i. The Twitter account @PedoCaptain; j. The Twitter account @bright\_Anon; k. The  
13 Twitter account @BV\_Truther; l. The Twitter account @BV\_Truth; m. The Twitter account  
14 @Klansmann; n. E-mail alias Dean Allen: deanallen5634@outlook.com; (Complaint at p. 27, ¶ 18).  
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19 **IV. Plaintiffs' Claims Against Retzlaff**

20 Plaintiffs allege that "Beginning in or about October 2013 and continuing through the  
21 present, Defendant, acting individually and in concert with around 10 other people, have engaged in  
22 a civil conspiracy to destroy Plaintiffs." (Complaint ¶1.) Plaintiffs further allege that "In addition to  
23 launching countless personal attacks which included threats of violence, Defendant agreed to and  
24 carried out a plan to ruin Plaintiffs' relationships with advertisers and sponsors, costing Mr.  
25 McGibney and ViaView hundreds of thousands of dollars of ad revenue and other income."  
26 (Complaint ¶1.)  
27  
28

1 Plaintiffs allege that Retzlaff, along with his co-defendants in the federal lawsuit, Lane  
2 Lipton, Neal Rauhauser, and several other individuals too numerous to mention here, engaged in a  
3 defamatory twitter campaign against Plaintiffs starting in October 2013 and continuing until the date  
4 of plaintiffs' TRO filing. In addition to the alleged endless barrage of defamation and harassment  
5 conducted by Defendants through their various "sock puppet" accounts on Twitter and elsewhere,  
6 Defendants also allegedly conspired to ruin Plaintiffs' relationships with advertisers using at least  
7 two different websites, itsabouttruth.wordpress.com (now defunct) and bvfiles.wordpress.com (still  
8 active) ("BV Files blog"). Both sites are allegedly dedicated to personally exposing McGibney and  
9 his business practices. Defendants allege that due to these online attacks, McGibney has been  
10 injured and ViaView has lost advertising revenue in the amount of \$19,300 per month. (See  
11 plaintiffs' complaint and the federal lawsuit petition attached thereto.) See declaration of Retzlaff  
12 and Basko.

15 According to plaintiffs, on November 2, 2013, Retzlaff, posting using alias  
16 "LongJohnSilver," wrote several paragraphs in the comments section of an article published on  
17 Bullyville.com targeting Mr. McGibney, stating,

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20	<i>Summit Bank v. Rogers,</i>	
21	206 Cal. App. 4th 669, 142 Cal. Rptr. 3d 40 (Cal. Ct. App. 2012) .....	10
22	<i>Taus v. Loftus,</i>	
23	40 Cal. 4th 683, 151 P.3d 1185, 1207 (Cal. 2007) .....	21
24	<i>Vess v. Ciba-Geigy Corp. USA,</i>	
25	317 F.3d 1097, 1109 (9th Cir. 2003).....	15
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1	<i>Vogel v. Felice</i> ,	
2	127 Cal. App. 4th 1006, 26 Cal. Rptr. 3d 350 (Cal. Ct. App. 2005) .....	10
3	<i>Weinberg v. Feisel</i> ,	
4	110 Cal. App. 4th 1122, 2 Cal. Rptr. 3d 385 (Cal. Ct. App. 2003) .....	9
5	<i>Weinberg v. Feisel</i> ,	
6	110 Cal.App.4th 1122, 2 Cal.Rptr.3d 385 (Cal. Ct. App. 2003) .....	18
7	<i>Wilcox v. Superior Court</i> ,	
8	27 Cal. App. 4th 809 (Cal. Ct. App. 1994) .....	8
9	<i>Wong v. Tai Jing</i> ,	
10	189 Cal. App. 4th 1354, 117 Cal. Rptr. 3d 747 (Cal. Ct. App. 2010) .....	18
11		
12	<b>California Statutes</b>	
13	Cal. Civ. Proc. Code § 425.16(a) .....	14, 15
14	Cal. Civ. Proc. Code § 425.16(b)(1) .....	16
15	Cal. Civ. Proc. Code § 425.16(b)(2) .....	8
16	Cal. Civ. Proc. Code § 425.16(c)(1) .....	8
17	Cal. Civ. Proc. Code § 425.16(e) .....	9
18	Cal. Civ. Proc. Code § 425.16(f) .....	9
19	Cal. Civ. Proc. Code § 425.16(j)(1) .....	9
20	Cal. Civ. Proc. Code § 527.8(c).....	24
21	Cal. Civ. Proc. Code § 527.8(c).....	16
22	Cal. Civ. Proc. Code § 527.8(a).....	20
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**MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTION

Defendant Thomas Retzlaff (“Retzlaff”) makes this special motion, pursuant to Cal. Code Civ. Proc. § 425.16, to strike Plaintiffs Viaview, Inc. (“Viaview”) and James McGibney (“McGibney”) petition for Temporary Restraining Order / Injunction for Workplace Violence that was filed pursuant to Code of Civil Procedure section 527.8.

The special motion to strike lies here because the claims alleged in Plaintiff's Complaint arise directly from constitutionally-protected speech concerning an ongoing and high-profile public dispute over Plaintiffs' websites and public status. Plaintiff McGibney is a high profile public figure and his website is a matter of public interest, as evidenced by the media coverage and involvement with the bullying crisis. Moreover, Plaintiffs will be unable to establish the probability of prevailing on their claims.

Plaintiff's lawsuit is therefore precisely the type of strategic lawsuit that California's anti-SLAPP statute was designed to remedy. *See, e.g., Metabolife Int'l, Inc. v. Wornick*, 264 F.3d 832, 838 (9th Cir. 2001) ("The purpose of the statute is to protect individuals from meritless, harassing lawsuits whose purpose is to chill protected expression."); *Wilcox v. Superior Court*, 27 Cal. App. 4th 809, 816 (Cal. Ct. App. 1994) ("[SLAPP suits] are generally meritless suits brought by large private interests to deter common citizens from exercising their political or legal rights or to punish them for doing so.").

The Court should grant Retzlaff's Special Motion to Strike for the following reasons. First, Plaintiffs claims arise directly from a protected activity. Second, Plaintiffs will be unable to establish probability of succeeding on the merits.

1                   **II. STATEMENT OF FACTS**

2                   The case arises from an attempt by plaintiff ViaView and its employee / CEO James  
3 McGibney to silence free speech and online criticism of plaintiff's company (which is a revenge  
4 porn website) via this court procedure to secure a TRO for Workplace Violence.

5                   Both Viaview and James McGibney are Public Figures within the meaning of the anti-  
6 SLAPP statute having inserted themselves into numerous controversies over the past several years  
7 and having made numerous media appearances regarding the subject of bullying and infidelity. As  
8 such, they are the fair subject of criticism, even intense criticism.

9                   In fact, plaintiffs' SLAPP violations are so extreme and pervasive that they are currently  
10 under active investigation and scrutiny in courts across this country! Specifically, there are three  
11 lawsuits currently pending in three different forums involving similar claims against the same  
12 defendant (and groups of defendants): (1) McGibney v. Retzlaff, et al., No. 067-270669-14, Tarrant  
13 County District Court in Ft. Worth, Texas, filed February 19, 2014; (2) McGibney v. Retzlaff, et al.,  
14 No. 14-cv-01059-HRL, U.S. District Court for the Northern District of California, filed March 6,  
15 2014; and (3) Via View v. Retzlaff, No. 1-14-CH-005460, Santa Clara County Superior Court,  
16 California, filed March 17, 2014.

17                   There are currently TWO anti-SLAPP motions for sanctions pending: one in federal court  
18 and one in Texas state court. In the Texas case there is a request for \$1 million in monetary  
19 penalties (which is allowed under Texas' version of the anti-SLAPP law). Soon there will be an  
20 anti-SLAPP motion filed in this case, as well.

21                   Thus, it seems extremely obvious that plaintiffs are engaging in bad faith litigation here.  
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1           A. Plaintiffs' Complaint Concerns A Matter Of Public Interest

2           This action against defendant Retzlaff seeks to stifle his right to speak out on a matter of  
3 great public interest because the claims alleged in Plaintiffs' Complaint arise directly from  
4 constitutionally protected speech concerning an ongoing and high-profile public dispute over  
5 Plaintiffs' websites, their business practices, and public status. Plaintiff McGibney is a high profile  
6 public figure and his website is a matter of public interest, as evidenced by the media coverage and  
7 involvement with the bullying crisis, as well as plaintiff's ownership of a revenge pornography  
8 website and the concurrent criminal investigation into plaintiffs' blackmail activities by state and  
9 federal law enforcement agencies across the country. This is shown by the attached Declaration of  
10 Retzlaff and Basko.

13

14           B. Defendant's Actions Of Which Plaintiff Complains Concern The Public Controversy At  
15           Issue

16           If plaintiff's Complaint is taken as true it is clear from defendant's alleged act(s) that  
17 he was directly commenting on a public issue involving a public figure. Plaintiffs' action against  
18 defendant based upon defendant's alleged criticism of plaintiffs' revenge pornography and  
19 blackmail business is the epitome of a prohibited SLAPP suit—a disapproved kind of lawsuit  
20 designed to quash the right of a participant in issues of public interest to voice his/her opinion—for  
21 which the Legislature provided special protection to the defendant through its enactment of the anti-  
22 SLAPP statute.

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1                   III. Parties

2                   McGibney is the CEO and founder of ViaView, Inc. Plaintiff ViaView, Inc. is a corporation  
3 incorporated in Delaware with its only office being in Las Vegas, NV. Despite plaintiff's  
4 contention, it has no offices within the state of California (this according to the Santa Clara County  
5 Tax Office as well as the California Secretary of State's Office and Franchise Tax Board. In  
6 California, a business cannot unilaterally declare that a certain location is its office. It must have the  
7 proper permits and licenses first.

8  
9                   ViaView, Inc. operates the websites BullyVille.com and CheaterVille.com (the "Websites").  
10 Cheaterville.com is a revenge porn site that is run by ViaView. On Cheaterville people can post  
11 intimate photos and personal details about their ex- or anyone else for that matter. If you find  
12 yourself posted on Cheaterville, you will be forced to pay them \$199 (or more!) if you want to  
13 ransom back your photos and get the post removed. BullyVille.com allows individuals who believe  
14 to have been subject to bullying to post information about their alleged "bully" online. It is  
15 considered a "hate speech" website by many due to constant personal attacks by the authors of posts  
16 on that website and due to the posting of private, personal information by McGibney of persons  
17 whom McGibney considers to be on his "enemies list."

18  
19                   McGibney has been on a number of television shows over the years promoting the ViaView  
20 sites and discussing the topic of bullying and revenge porn. (See Declaration of Thomas Retzlaff;  
21 See Affidavit of Colleen Connally-Ahern, Ph.D attached hereto as Exhibit A to the Declaration of  
22 Thomas Retzlaff.) He gained national attention for his involvement with Hunter Moore and his  
23 famous revenge porn website.

24  
25                   Plaintiffs allege that Retzlaff is an out-of-state citizen, who resides in both Texas and/or  
26 Arizona, who is a supposed blogger (according to plaintiffs' TRO complaint and attachments  
27  
28

1 thereof) who supposedly writes and says mean things about plaintiffs' and their business activities  
2 on the internet. As such, pursuant to 9<sup>th</sup> Circuit Court opinions, defendant enjoys the same 1<sup>st</sup>  
3 Amendment Constitutional protections as traditional media outlets such as newspapers and  
4 television. See *Obsidian Finance Group, LLC v. Cox*, No. 12-35238 / D.C. No. 3:11-cv-00057-HZ  
5 (9<sup>th</sup> U.S. Cir. Court of Appeals, dated Jan. 2014).

6  
7 Retzlaff has not set foot in the state of California in over apx. 5 years. (Decl. Retzlaff, ¶4.)  
8 He does not own property or businesses in the State of California. Plaintiffs allege that Retzlaff  
9 uses the following internet aliases: a. The Twitter account @MrTexxxan; b. An account named  
10 LongJohnSilver on BullyVille; c. A Facebook account for user Scott Jewels; d. A Facebook account  
11 for user Molly Santucci; e. The Twitter account @KellySwift4; f. A Facebook account for user  
12 Kelly Swift; g. E-mail alias James Smith: james.smith871003@gmail.com; h. TheDirty.com alias  
13 DickHertz, i. The Twitter account @PedoCaptain; j. The Twitter account @bright\_Anon; k. The  
14 Twitter account @BV\_Truther; l. The Twitter account @BV\_Truth; m. The Twitter account  
15 @Klansmann; n. E-mail alias Dean Allen: deanallen5634@outlook.com; (Complaint at p. 27, ¶ 18).  
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19 **IV. Plaintiffs' Claims Against Retzlaff**

20 Plaintiffs allege that "Beginning in or about October 2013 and continuing through the  
21 present, Defendant, acting individually and in concert with around 10 other people, have engaged in  
22 a civil conspiracy to destroy Plaintiffs." (Complaint ¶1.) Plaintiffs further allege that "In addition to  
23 launching countless personal attacks which included threats of violence, Defendant agreed to and  
24 carried out a plan to ruin Plaintiffs' relationships with advertisers and sponsors, costing Mr.  
25 McGibney and ViaView hundreds of thousands of dollars of ad revenue and other income."  
26 (Complaint ¶1.)  
27  
28

1 Plaintiffs allege that Retzlaff, along with his co-defendants in the federal lawsuit, Lane  
2 Lipton, Neal Rauhauser, and several other individuals too numerous to mention here, engaged in a  
3 defamatory twitter campaign against Plaintiffs starting in October 2013 and continuing until the date  
4 of plaintiffs' TRO filing. In addition to the alleged endless barrage of defamation and harassment  
5 conducted by Defendants through their various "sock puppet" accounts on Twitter and elsewhere,  
6 Defendants also allegedly conspired to ruin Plaintiffs' relationships with advertisers using at least  
7 two different websites, itsabouttruth.wordpress.com (now defunct) and bvfiles.wordpress.com (still  
8 active) ("BV Files blog"). Both sites are allegedly dedicated to personally exposing McGibney and  
9 his business practices. Defendants allege that due to these online attacks, McGibney has been  
10 injured and ViaView has lost advertising revenue in the amount of \$19,300 per month. (See  
11 plaintiffs' complaint and the federal lawsuit petition attached thereto.) See declaration of Retzlaff  
12 and Basko.

15 According to plaintiffs, on November 2, 2013, Retzlaff, posting using alias  
16 "LongJohnSilver," wrote several paragraphs in the comments section of an article published on  
17 Bullyville.com targeting Mr. McGibney, stating,  
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Posted By: LongJohnSilver | 11/22/03 09:11 PM

I am simply amazed that this Buryville guy, James McGibney, is still alive. If I was listed on his website I would put a bullet in his head. It's as simple as that. His home address has been posted online. And he makes scheduled public appearances. One of these days James is going to post the name of the wrong guy and it will cost him - and his family - their lives. Some people do not care about consequences or police or being arrested - James has enough enemies that it would be easy for a shooter to get away. The cops wouldn't know where to start looking. You walk up behind him at a Walmart or whatnot, you shot him and take off, dump the gun in Lake Mead or somewhere and you're go to go. So go ahead James, keep it up. Sooner or later you're going to step on the wrong set of toes and you're going to come across a real life tough guy, not an internet tough guy like a Hunter Moore, and it's going to cost you and your family.

[Login to reply](#)

Posted By: Cowardly : 11/27/13 9:50 PM

Holy premediated murder plan. What a dumb comment to make on a site that is monitored by the FBI for stupidity just like this. They'll find out who you are, they always find out.

[Login to reply](#)

Posted By: LoonJohnston | 11/20/10 10:13 PM

No they don't. Did you know that over 40% of all murders each year go unsolved in the U.S.? Since I use TOR and a random person's open WiFi, I can't be tracked you know. You don't think that this has been thought through? Besides, you need to remember something very, very important: **CRAZY PEOPLE DO NOT CARE IF THEY GET CAUGHT. THEY WILL KILL YOU REGARDLESS AS TO THE CONSEQUENCES TO THEM BECAUSE THEY ARE CRAZY.** So while it's all well and good that the FBI will eventually catch them (assuming they're not one of the 40% who literally do get away with murder), it does you little good if you're the dead guy or the dead family.

[Login to reply](#)

TRO complaint at p.27-28 ¶22

Of course, it should be noted that defendant completely denies ever making this statement.

See declaration of Retzlaff

A. Retzlaff did not participate in workplace violence or make any credible threats of violence against Plaintiffs

Defendant completely denies ever having any personal communications with McGibney: no phone calls, no emails, no face-to-face meetings. Defendant further denies ever committing any acts of violence towards plaintiffs or making any credible threats of violence towards plaintiffs or McGibney's family (whom defendant has never met or had any contact with whatsoever). Defendant further denies every traveling within apx. 1000 miles of McGibney's San Jose, CA residence during this time. Additionally, the blog comment posts and twitter posts are not specifically tied to the

1 defendant by any sort of specific, admissible evidence. These postings could have been made by any  
2 random person on the face of the planet. See declaration of Retzlaff.  
3  
4

5 **V. LEGAL STANDARD**

6 California Code of Civil Procedure § 425.16(a) sets forth a legislative finding "that there has  
7 been a disturbing increase in lawsuits brought primarily to chill the valid exercise of constitutional  
8 rights of freedom of speech and petition," and that it is in the public interest to encourage  
9 participation in matters of public significance, rather than have such participation "chilled through  
10 abuse of the judicial process." Cal. Civ. Proc. Code § 425.16(a). Therefore, "[t]he statute provides  
11 for a special motion to strike that is intended to stop such lawsuits early in the litigation process."  
12 *DC Comics v. Pacific Pictures Corp.*, 706 F.3d 1009, 1013 (9th Cir. 2013). Such a motion to strike  
13 is also called an "anti-SLAPP motion." *Id.* Section 425.16(a) further advises that its provisions  
14 "shall be construed broadly" to further the legislative findings. Cal. Civ. Proc. Code § 425.16(a).

15 California's Code of Civil Procedure Section 425.16 (the "anti-SLAPP law") provides  
16 substantive immunity from suit for claims that interfere with the exercise of speech rights, including  
17 the right to make statements in public forums in connection with issues of public interest. See *Seelig*  
18 *v. Infinity Broadcasting Corp.*, 97 Cal. App. 4th 798, 807 (2002). A special motion to strike under  
19 Section 425.16 is a procedural remedy designed to "dispose of lawsuits brought to chill the valid  
20 exercise of a party's constitutional right of ... free speech." C.C.P § 425.16(a); *Digerati Holdings,*  
21 *LLC v. Young Money Ent't, LLC*, 194 Cal. App. 4th 873,882-831 (2011), review denied (Aug. 10,  
22 2011). The Legislature enacted Section 425.16 to control "a disturbing increase in lawsuits brought  
23 primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for  
24

1 redress of grievances," and, to this end, the statute expressly provides that it "shall be construed  
2 broadly." C.C.P. § 425.16(a) (Emphasis added).

3 California's anti-SLAPP statute was enacted to allow early dismissal of meritless First  
4 Amendment cases aimed at chilling expression through costly, time-consuming litigation. *Vess v.*  
5 *Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1109 (9th Cir. 2003). However, "[t]he moving defendant  
6 has no obligation to demonstrate that the plaintiff's subjective intent was to chill the exercise of  
7 constitutional speech or partition rights, or that the action had the effect of chilling such rights."  
8

9 *Mann v. Quality Old Time Service, Inc.*, 15 Cal.Rptr.3d 215, 220 (Cal. App. 2004)

10 The statute can be invoked against any kind of claim that is based on protected speech. "The  
11 nature of the cause of action alleged is not dispositive." *Ingels v. Westwood One Broadcasting*  
12 *Services, Inc.*, 28 Cal.Rptr.3d 933, 940 (Cal. App. 2005) (applying statute to age discrimination  
13 claim). And, as applies specifically to the case at hand, petitions to seek protection against  
14 workplace violence are subject to special motions to strike under the anti-SLAPP statute. *City of*  
15 *Los Angeles v. Animal Defense League*, 135 Cal.App.4th 606 (2006) (review denied April 2006).

16 Additionally, defendant would point out that this Court is entirely powerless to grant  
17 plaintiff's request for TRO / Injunction because Section 527.8(c) prohibits temporary restraining  
18 order or injunction prohibiting speech or other activities that are constitutionally protected.  
19

20 As evidenced by plaintiffs' own pleadings, it made this very request which – somehow – it  
21 was able to slip past the Court when it got this very Court to rubber stamp its pleadings and  
22 grant a TRO and other orders that prohibits defendant from speaking out and ordered the shutdown  
23 of several social media accounts and websites – all in clear violation of Section 527.8(c).  
24

25 **Protecting a corporate petitioner from alleged claims of defamation is not the business of this**  
26

27

1 court. It has nothing to do whatsoever with the prevention of workplace violence. See attached  
2 Exhibits of this court's prior orders; declaration of Retzlaff.

3       Section 425.16(b)(1) provides that: "A cause of action against a person arising from any act  
4 of that person in furtherance of the person's right of petition or free speech under the United States  
5 or California Constitution in connection with a public issue shall be subject to a special motion to  
6 strike, unless the court determines that the plaintiff has established that there is a probability that the  
7 plaintiff will prevail on the claim." Cal. Civ. Proc. Code § 425.16(b)(1).

8       Section 425.16 therefore requires the court to engage in a two-step process: First, the court  
9 decides whether the defendant has made a threshold showing that the challenged cause of action is  
10 one arising from protected activity. *Greater Los Angeles Agency on Deafness, Inc. v. Cable News*  
11 *Network, Inc.*, 742 F.3d 414, 422 (9th Cir. 2014). The moving defendant's burden is to demonstrate  
12 that the act or acts of which the plaintiff complains were taken 'in furtherance of the [defendant]'s  
13 right of petition or free speech under the United States or California Constitution in connection with a  
14 public issue,'" as defined in the statute. *Id.*; see also *Equilon Enterprises v. Consumer Cause, Inc.*,  
15 29 Cal. 4th 53, 67 (Cal. 2002).

16       Second, if the court finds such a showing has been made, then the burden shifts to the  
17 plaintiff to demonstrate a probability of prevailing on the claim. *Greater Los Angeles Agency on*  
18 *Deafness, Inc. v. Cable News Network, Inc.*, 742 F.3d at 422. Under section 425.16, subdivision  
19 (b)(2), the trial court in making these determinations considers 'the pleadings, and supporting and  
20 opposing affidavits stating the facts upon which the liability or defense is based.'" *Id.* (citing Cal.  
21 Civ. Proc. Code § 425.16(b)(2)).

22       As we now show, Plaintiffs' lawsuit meets all of the elements for a special motion to strike  
23 under § 425.16.

1

2 VI. ARGUMENTS

3

4

5 A. Plaintiffs' Claims Arise Directly from a Protected Activity

6

7 Retzlaff satisfies the first prong of the anti-SLAPP analysis because the claims alleged in the  
8 Complaint are based on conduct in furtherance of Retzlaff's right of free speech in connection with a  
9 matter of public interest. "California courts have interpreted this piece of the defendant's threshold  
10 showing rather loosely, and have held that a court must generally presume the validity of the claimed  
11 constitutional right in the first step of the anti-SLAPP analysis, and then permit the parties to address  
12 the issue in the second step of the analysis, if necessary." *Greater Los Angeles Agency on Deafness, Inc.* v. *Cable News Network, Inc.*, 742 F.3d at 422 (citing *City of Los Angeles v. Animal Def. League*,  
13 135 Cal.App.4th 606, 621, 37 Cal.Rptr.3d 632 (Cal. Ct. App. 2006)) (internal quotation marks and  
14 citations omitted).)

15 An "act in furtherance of a person's right of petition or free speech" includes "any written or  
16 oral statement or writing made in a place open to the public or a public forum in connection with an  
17 issue of public interest." *Mindys Cosmetics, Inc. v. Dakar*, 611 F.3d 590, 595-96 (9th Cir. 2010)  
18 (citing Cal. Civ. Proc. Code §425.16(e)).

19 Plaintiffs' allegations are based on statements made on an internet blog site and twitter  
20 relating to James McGibney and the Viaview Websites.  
21

22

23 1. Twitter and the Internet Constitute a Public forum

24 The alleged conduct of defendant occurred in a public forum. "A public forum is a place  
25 open to the use of the general public 'for purposes of assembly, communicating thoughts between  
26

1 citizens, and discussing public questions.”” *Weinberg v. Feisel*, 110 Cal. App. 4th 1122, 1130, 2 Cal.  
2 Rptr. 3d 385 (Cal. Ct. App. 2003).

3 The case law is clear; websites that are accessible to the public are “public forums” for  
4 purposes of the anti-SLAPP statute. *Wong v. Tai Jing*, 189 Cal. App. 4th 1354, 1367, 117 Cal. Rptr.  
5 3d 747 (Cal. Ct. App. 2010) (holding that “it is settled that ‘Web sites accessible to the public . . . are  
6 public forums for purposes of the anti-SLAPP statute’”

7  
8 Therefore, the alleged statements made on Twitter, Bullyville.com, the BV blog sites, and  
9 internet in general constitute a public forum under the anti-SLAPP analysis.  
10

11  
12 2. Statements made about James McGibney and ViaView relate to matters of Public Interest.

13 Statements made about James McGibney and ViaView are a matter of public interest because  
14 of the ongoing national discussion regarding bullying and revenge porn in society. A statement  
15 about a “a topic of widespread, public interest” satisfies this requirement.” *Doe v. Gangland Prods., Inc.*, 730 F.3d 946, 955 (9th Cir. 2013) (citing *Rivero v. Am. Fed'n of State, Cnty., & Mun. Emps., AFL-CIO*, 105 Cal.App.4th 913, 924, 130 Cal.Rptr.2d 81 (Cal. Ct. App. 2003)); see also *Nygard, Inc. v. Uusi-Kerttula*, 159 Cal.App.4th 1027, 1042, 72 Cal.Rptr.3d 210 (Cal. Ct. App. 2008) (an  
16 issue of public interest is “any issue in which the public is interested”). Here, McGibney and his  
17 company ViaView are matters of public interest.  
18

19 First, James McGibney has associated himself and injected himself into the national bullying  
20 and revenge porn debate. (Complaint; See Exhibits A & B attached hereto to Decl. Retzlaff.)  
21 McGibney has been on national television shows to discuss his websites and company. (See  
22 Exhibits A & B attached hereto to Decl. Retzlaff ¶7.) He was involved in a high profile lawsuit with  
23 known revenge porn peddler Hunter Moore. Mr. McGibney’s involvement in these matters has made  
24

1 him a recognizable individual that has sparked public interest. (See Exhibits A & B attached hereto  
2 to Decl. Retzlaff ¶7.)

3 Additionally, ViaView websites are a matter of public interest. By Plaintiffs own admission,  
4 "ViaView is the owner and operator of the popular websites" that "average approximately one  
5 million individual and unique user hits per month." (Complaint p. 26, ¶8) Thus, due to ViaView's  
6 huge popularity and visitors it is a matter of public interest.  
7

8 Moreover, the McGibney and ViaView have decided to participate in the larger social issue  
9 revolving around bullying and revenge porn. Bullying and revenge porn have become a national  
10 matter of public interest. (See Exhibits A & B attached hereto to Decl. Retzlaff ¶¶3-9.) In fact, a  
11 number of states have begun to enact legislation related to bullying and revenge porn. (See Exhibits  
12 A & B attached hereto to Decl. Retzlaff ¶¶3-9.) McGibney and ViaView have decided to participate  
13 in this public discussion.

15 In a recent decision, the California Court of Appeal construed the anti-SLAPP statute  
16 broadly, finding that defendant's posting of derogatory comments about plaintiff and his business on  
17 the "Ripoff Report" consumer review website and "Topix" social networking website was entitled to  
18 the protection of the anti-SLAPP statute, even though the statements related to ongoing paternity and  
19 child support litigation, because the statements were made in a public forum and concerned issues of  
20 public interest. *Chaker v. Mateo*, 2012 WL 4711885 (Cal. App. Ct. Oct. 4, 2012).

22 In the case at hand, in order to meet its burden that plaintiff is entitled to a TRO / Injunction  
23 for Workplace Violence, plaintiff has to both plead and prove that actual violence has taken place or  
24 that there is a credible threat of violence. C.C.P § 527.8(a).

26 In the case at hand, that *Long John Silver* statement, as well as the Twitter posts (assuming  
27 that it was even made by defendant, as opposed to some other random person) is clearly a  
28

1 commentary on plaintiffs' business practices which consist of revenge porn, blackmail and extortion  
2 via the posting of intimate photographs of thousands of young women and girls, as well as the  
3 posting of their personal information, and then demanding payment of monies in order to remove  
4 said information.

5  
6 Lastly, defendant would point out that even the plaintiff itself does not specifically attribute  
7 this statement to defendant in its own pleadings!!! In plaintiff's federal lawsuit, plaintiff vaguely  
8 alleges that this statement was made by "Retzlaff and other Defendants".

9  
10 Since McGibney and ViaView are both matter of public interest and are part of the larger  
11 national debate around bullying and revenge porn, statements made about them concern a matter of  
12 public interest.

13 Therefore, Retzlaff has satisfied the first prong of the anti-SLAPP analysis and the burden  
14 shifts to the Plaintiffs to establish their claims with admissible evidence.

15 **a. McGibney is a Public Figure**

16 James McGibney is a Public Figure who has gained national notoriety with his Websites and  
17 advocacy against bullying and revenge porn.

18 Courts have distinguished between two classes of public figures. *Reader's Digest Assn. v.*  
19 *Superior Court*, 37 Cal.3d 244, 253–254 (Cal. 1984); see *Gertz v. Robert Welch, Inc.*, 418 U.S. 323,  
20 351 (1974). The first is the “all purpose” public figure who has “achiev[ed] such pervasive fame or  
21 notoriety that he becomes a public figure for all purposes and in all contexts.” *Reader's Digest Assn.*  
22 *v. Superior Court*, 37 Cal.3d at 253–254. The second category is that of the “limited purpose” public  
23 figure, an individual who “voluntarily injects himself or is drawn into a particular public controversy  
24 and thereby becomes a public figure for a limited range of issues.” *Id.* Unlike the “all purpose”  
25 public figure, the “limited purpose” public figure loses certain protection for his reputation only to  
26  
27  
28

1 the extent that the allegedly defamatory communication relates to his role in a public controversy.”

2 *Id.*

3 Here, James McGibney is an all-purpose public figure as well as a limited public figure in  
4 relation to his role with Bullying and Revenge Porn.  
5

6 First, McGibney is an all-purpose figure. An example of an all-purpose public figure can be  
7 found in *Hustler Magazine v. Falwell*. 485 U.S. 46, 57 (1988). In *Hustler Magazine v. Falwell*, a  
8 minister, Jerry Falwell, with a nationally syndicated television show was concededly an all-purpose  
9 public figure. *Id.* Another example can be seen in *Stolz v. KSFM 102 FM*. In *Stolz*, the court  
10 concluded that a radio station was an all-purpose public figure because it broadcasted itself daily to  
11 the community. *Stolz v. KSFM 102 FM*, 30 Cal. App. 4th 195, 205 (Cal.Ct.App 1984).

12 Here, Mr. McGibney has been on nationally syndicated television broadcasts to discuss his  
13 involvement with Hunter Moore, Cheaterville, BullyVille and the topics of Revenge Porn and  
14 Bullying. Mr. McGibney's own expert witness filed an affidavit discussing his national recognition  
15 which supports Lipton's Premise that he is an all-purpose public figure. In this Affidavit, Colleen  
16 Connally-Ahern, Ph.D stated the following:

17 Plaintiff James McGibney is the main operator and public face of numerous online  
18 properties owned by Via View, Incorporated, and its subsidiary company,  
19 Cheaterville, Incorporated. McGibney regularly talks to the press about important  
20 issues such as bullying and infidelity, and makes regular appearances on behalf of the  
21 Internet social media services BullyVille, found at [bullyville.com](http://bullyville.com), and CheaterVille,  
22 found at [cheaterville.com](http://cheaterville.com). These media appearances have included Univision, The  
23 Dr. Phil Show, The Anderson Cooper Show, The Maury Povich Show, Extra!, KSNV  
24 My News 3 (Las Vegas' NBC affiliate stations), KXTL Fox 40 (Sacramento,  
California's FOX affiliate station), The Huffington Post, Las Vegas Sun, [and]  
BetaBeat, among others.

25  
26 Affidavit of Colleen Connally-Ahern, Ph.D, ¶7, attached hereto as  
27 Exhibit A to the Decl. Retzlaff.  
28

1       Moreover, McGibney's own expert goes further and states that "A search of McGibney's  
2 name via any major search engine (google.com, bing.com and yahoo.com) results thousands of hits  
3 indicating his position as an advocate for personal responsibility." (See Affidavit of Colleen  
4 Connally-Ahern, Ph.D, ¶7, attached hereto as Exhibit A to the Decl. Retzlaff.) Clearly, McGibney is  
5 an all-purpose public figure.  
6

7       However, even if McGibney is not an all-purpose public figure he is clearly a limited purpose  
8 public figure with respect to his websites and the national debate surrounding bullying and revenge  
9 porn. There are three elements that must be satisfied in order to properly characterize a person as a  
10 "limited purpose public figure":  
11

12       First, there must be a public controversy, which means the issue was debated publicly and  
13 had foreseeable and substantial ramifications for nonparticipants. Second, the plaintiff must  
14 have undertaken some voluntary act through which he or she sought to influence resolution of  
15 the public issue. In this regard it is sufficient that the plaintiff attempts to thrust him or herself  
into the public eye. Third, the alleged defamation must be germane to the plaintiff's  
participation in the controversy.

16 *Ampex v. Cargle*, 128 Cal.App.4th 1569, 1577 (Cal. Ct. App 2005).

17       Here, all of the elements are met that McGibney is a limited Purpose Public Figure. First,  
18 there is an ongoing national debate about Hunter Moore, bullying and revenge porn websites. (See  
19 Decl. Retzlaff ¶8; Exhibits A and B attached thereto.)  
20

21       Second, McGibney has taken the voluntary act of participating in this national debate by  
22 "vigorously exert[ing] social and financial pressure on owners, operators and purveyors of "revenge  
23 porn" websites with the intent of shutting those websites." (Complaint ¶16.) Moreover, McGibney  
24 has appeared on national television shows to discuss these topics. (See Exhibit A.)  
25

26       Finally, the alleged defamatory statements / claimed "death threats" all relate to his  
27 involvement with the websites, bullying, revenge porn and Hunter Moore controversy. Therefore,  
28 McGibney is a limited purpose public figure in this action.

b. Plaintiffs will be unable to prove that Retzlaff's alleged statements were credible threats of workplace violence.

Besides the fact that Retzlaff did not commit workplace violence or made any credible threats to commit workplace violence, Plaintiffs will be unable to prove that any of the alleged statements were made with by defendant with admissible evidence, as opposed to statements made by any one of numerous enemies of McGibney and his revenge porn / blackmail company have collected over the years. Remember, as stated above, Cheaterville.com is a revenge porn, or just plain old revenge website that posts the intimate photographs of young women, girls, and even some men, along with very defamatory statements about them. In order to remove a Cheaterville post you are required to pay some money. See attached Cheaterville exhibits; declaration of Retzlaff. The number of individuals who would have motive for posting such things numbers in the hundreds of thousands, if not millions!

Pursuant to CCP section 527.8(b)(2), a "credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

Keep in mind that while “harassment” can apply to the TRO / Injunction procedure, harassment ONLY applies to TROs / Injunctions received under CCP 527.6 (which involved Civil Harassment petitions). The matter at hand involves CCP 527.8, which involves Workplace Violence petitions. Thus, any claims by plaintiff of harassment are irrelevant and immaterial as to whether or not they are entitled to a TRO / Injunction for Workplace Violence. Defendant asks the court to exclude and ignore any claims of harassment.

1        In anticipation that plaintiff will argue that threats and other illegal activities are unprotected  
2 activity, defendant would explain to this court that this is a nonissue or a red herring thrown out by  
3 plaintiffs' counsel. Specifically, as the California Supreme Court has previously held, however,  
4 "The Legislature did not intend that in order to invoke the special motion to strike the defendant must  
5 first establish [his or] her actions are constitutionally protected under the First Amendment as a  
6 matter of law." *Fox Searchlight Pictures, Inc. v. Paladino* (2001) 89 Cal.App.4th 294, 305, 106  
7 Cal.Rptr.2d 906. "**Instead, under the statutory scheme, a court must generally presume the**  
8 **validity of the claimed constitutional right in the first step of the anti-SLAPP analysis, and then**  
9 **permit the parties to address the issue in the second step of the analysis, if necessary.** [Citation.]  
10 Otherwise, the second step would become superfluous in almost every case, resulting in an improper  
11 shifting of the burdens." *Chavez v. Mendoza* (2001) 94 Cal.App.4th 1083, 1089–1090, 114  
12 Cal.Rptr.2d 825; see *Governor Gray Davis Com. v. American Taxpayers Alliance* (2002) 102  
13 Cal.App.4th 449, 458, 125 Cal.Rptr.2d 534.  
14  
15

16        In the case at hand, defendant vigorously insists that any alleged actions or communications  
17 against plaintiffs were well within the law.  
18  
19

20        **VII. MOVING PARTY HAS COMPLIED WITH NOTICE AND TIMING**  
21 **REQUIREMENTS FOR THIS ANTI-SLAPP MOTION**

22        1. Transmittal of Papers To Judicial Council.

23        Any party who files a special motion to strike pursuant to this section, and any party who files an  
24 opposition to a special motion to strike, shall promptly upon so filing, transmit to the Judicial  
25 Council, by e-mail or facsimile, a copy of the endorsed-filed caption page of the motion or  
26 opposition, a copy of any related notice of appeal or petition for a writ, and a conformed copy of any  
27  
28

1 order issued pursuant to this section, including any order granting or denying a special motion to  
2 strike, discovery, or fees. Code Civ. Proc. § 425.16(j)(1).

3 As shown in the attached Declaration of Thomas Retzlaff, defendant has/or will be  
4 transmitting a copy of the endorsed-filed caption page of the motion, by e-mail/facsimile, to the  
5 Judicial Council in accordance with Code Civ. Proc. § 425.16(j)(1).

6

7

8 **2. Timing of Motion And Hearing.**

9 The special motion may be filed within 60 days of the service of the complaint or, in the court's  
10 discretion, at any later time it deems proper. The motion shall be scheduled by the clerk of the court  
11 for a hearing not more than 30 days after the service of the motion unless the docket conditions of the  
12 court require a later hearing. Code Civ. Proc. § 425.16(f).

13

14 As shown in the attached Declaration of Thomas Retzlaff, this motion has been filed within  
15 60 days of the service of the complaint, and the hearing has been scheduled for not more than 30  
16 days after the service of the motion.

17

18

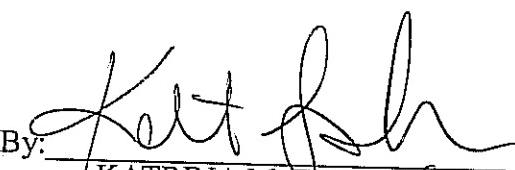
19 **VIII. ATTORNEY FEES AND COSTS SHOULD PROPERLY BE AWARDED TO**  
20 **DEFENDANT UNDER THE ANTI-SLAPP STATUTE**

21 The prevailing party on a Motion to Strike under the Anti-SLAPP statute is entitled to recover  
22 attorney fees and costs associated with making the anti-SLAPP motion and assertion of alternative  
23 defenses in response to a meritless litigation. (Code Civ. Proc. § 425.16(c)(1).) This is a mandatory  
24 award of costs and fees.

1      **IX. CONCLUSION**

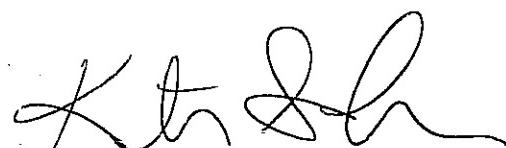
2      Based upon the foregoing facts and authorities, Moving Party respectfully requests that the court  
3      strike plaintiff's Complaint against defendant pursuant to Code Civ. Proc. § 425.16, and issue an  
4      award of attorney fees and costs in his favor, in an amount to be demonstrated in subsequent  
5      declarations.  
6

7  
8      Dated: July 29, 2014  
9

10     By:   
11     KATRINA M. TELFER Saleen,  
12     [REDACTED]  
13     Specially Appearing for  
14     Thomas Retzlaff.

15      **CERTIFICATE OF SERVICE**

16      I certify that I delivered a true copy of this document to plaintiff's attorney of record,  
17      Jason Leiderman, 5740 Ralston St., Ste. 300, Ventura, CA 93003, via personal delivery, on July  
18      29, 2014.

19       
20     KATRINA M. TELFER SALEEN  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
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5  
6 EXHIBITS TO  
7 ANTI-SLAPP MOTION  
8

- 9 1. Declaration of Thomas Retzlaff.  
10 2. Declaration of attorney Susan Basko.  
11 3. City of Los Angeles v. Animal Defense League  
12 4. James McGibney v. Hunter Moore lawsuit  
13 5. James McGibney, et al v. Thomas Retzlaff, et al, Texas lawsuit  
14 6. Anti-SLAPP motion in Texas lawsuit  
15 7. James McGibney, et al v Retzlaff, et al, federal lawsuit  
16 8. Anti-SLAPP motion in Federal lawsuit.  
17 9. Exhibits attached to both federal and Texas anti-SLAPP motions  
18 10. Affidavit of Colleen Connolly-Ahems  
19 11. Daily Beast article  
20  
21  
22  
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28

Exhibits

1  
2  
3  
4  
5  
6 Thomas Retzlaff, Pro Per  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 SANTA CLARA COUNTY

10 VIAVIEW, INC.,

11 Plaintiff,

12 vs.

13 THOMAS RETZLAFF,

14 Defendant

15 Case No.: 1-14-CH-005460

16 DECLARATION OF THOMAS RETZLAFF  
17 IN SUPPORT OF HIS ANTI-SLAPP  
18 MOTION

19 COMPLAINT FILED: MARCH 17, 2014  
DEFENDANT SERVED: JULY 14, 2014  
TRIAL DATE: JULY 29, 2014

20 DATE: JULY 29, 2014  
TIME: 9 AM  
DEPT: 19

21 DECLARATION OF THOMAS RETZLAFF

22 I, Thomas Retzlaff, declare as follows:

23 1. I am the defendant in this case. I have personal knowledge of the matters stated herein and, if  
24 called as a witness, I could and would testify competently thereto.

25  
26 2. This Declaration is submitted in support of my Special Motion to Strike Pursuant to California  
27 Code of Civil procedure Section 425.16.

1  
2     3. Mr. McGibney has been involved in a number of high profile litigation cases over the past two  
3 years. One case is McGibney vs. Hunter Moore, in Nevada District Court, Clark County, Case  
4 No.:Al2-667156-C. In this Nevada Action, Mr. McGibney filed an affidavit of Colleen Connally-  
5 Ahem, Ph.D.. Dr. Ahern was his expert witness and the affidavit was provided to support his claim  
6 of damages. Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Colleen  
7 Connolly-Ahems.  
8  
9

10     4. In Paragraph 7 of this affidavit Dr. Ahem states:  
11

12         *"Plaintiff James McGibney is the main operator and public face of numerous online  
13 properties owned by Via View, Incorporated, and  
14 its subsidiary company, Cheaterville, Incorporated. McGibney  
15 regularly talks to the press about important issues such as  
bullying and infidelity, and makes regular appearances on behalf  
16 of the Internet social media services BullyVille, found at  
bullyville.com, and CheaterVille, found at cheaterville.com. These  
media appearances have included Univision, The Dr. Phil Show,  
17 The Anderson Cooper Show, The Maury Povich Show, Extra!,  
KSNV My News 3 (Las Vegas' NBC affiliate stations), KXTL Fox  
18 40 (Sacramento, California's FOX affiliate station), The  
Huffington Post, Las Vegas Sun, [and] BetaBeat, among others."*  
19

20     5. Dr. Ahrens further states: "A search of McGibney's name via any major search engine  
21 (google.com, bing.com and yahoo.com) results thousands of hits indicating his position as an  
22 advocate for personal responsibility."  
23  
24

25     6. After doing a search for Mr. McGibney on google.com, I was able to locate a number of news  
26 articles about Mr. McGibney.  
27  
28

7. On October, 10,2013, The Daily Beast published an article about McGibney and ViaView, Inc. Attached hereto as Exhibit B is a true and correct copy of the October 10, 2013 article entitled "The Bully Waging War Against Bullies."

8. In that article, the author states: "The media has paid attention to McGibney's war. In May 2012, the Associated Press quoted him as a bullying expert, describing Bullyville.com as a place "where [bullying] victims can find help." He partners with celebrities (Guns N' Roses guitarist "DJ" Ashba and Glee actress Becca Tobin are Bullyville's spokespeople) and consults as a "Life Changer" on Dr. Drew's daytime talk show."

9. The Daily Beast Article further discusses the national debate on Bullying and Revenge Porn by stating: "Currently, 49 states enforce some sort of anti-bullying laws, 18 of which have specific legislations against "cyberbullying." And while revenge porn legislation exists in only three states, California Gov. Jerry Brown recently signed a bill banning circulation of such material, making it a misdemeanor carrying a sentence of up to six months in jail. Three New York state legislators proposed a similar bill this week." See Exhibit B

10. I have also found out that James McGibney and ViaView have two Hollywood Public Relations firms on their payroll, thus further substantiating the fact that they are Public Figures. ZTPR and Lexicon are their names. See attached Exhibit below.

10. Over the past ten years, I have not engaged in any business in or involving the State of California or with any person or firm located in that state.

1  
2 11. I have not set foot in State of California in probably 5 or 6 years, and I have never been anywhere  
3 near San Jose, CA ever.  
4

5  
6 12. I do not own any property in the State of California.  
7

8 13. I have no intention to reside or own property in the state of California.  
9

10 14. I have never had any kind of personal communication with either James McGibney or any of  
11 his family members, and I have never committed any acts of workplace violence towards him, nor  
12 made any credible threats of harm. I specifically deny ever making the Long John Silver death threat  
13 post that McGibney references in his TRO application. The website that this comment was posted on  
14 is McGibney's very own Bullyville.com website. That website has comment moderation enabled,  
15 meaning that NO comments ever get posted without the direct approval of the website's owner,  
16 James McGibney. In order to post a comment on Bullyville one must first create an account with a  
17 valid email address, then verify that email address, then post a comment, which then goes into the  
18 moderation queue. At which point the website owner decides whether or not to post the comment. It  
19 is my belief that this Long John Silver comment was a fake comment created by McGibney himself  
20 as a way of stirring up drama. If he really thought it was a legitimate death threat, then why did he  
21 allow the comment to get posted in this first place instead of deleting it? That makes no sense.  
22  
23  
24

25  
26 15. In Mr. McGibney's TRO application he labeled me as a "prolific user" of revenge porn. That  
27 is a lie, assuming I even understand that he means here. Unlike McGibney, I do not own and  
28

1 operation a so-called revenge porn websites. McGibney claims that all these women are supposedly  
2 suing me and such. That is a lie. The only person suing me here is McGibney himself in his quest to  
3 increase publicity for his failing company. McGibney claims that all these law enforcement  
4 investigations against me are taking place. That, too, is a lie. I have never once been contacted by  
5 any law enforcement officials regarding any criminal allegations made against me since all of this  
6 nonsense first started with him in November or December 2013. While I have from time to time  
7 made comments on many various websites, I have never sent a death threat to James McGibney or  
8 his family.

10

11

12 16. In plaintiff's TRO application, plaintiff states: On October 30, 2013, Retzlaff publicly tweeted  
13 from the @MrTexxxan account (an account associated with revenge porn website  
14 www.texxxan.com) that he was "surprised no one has shot them fools [Mr. McGibney] yet. lots of  
15 crazy ppl in the world off their meds". (Complaint p. 27, ¶20) I completely deny this and I deny ever  
16 using that twitter account.

17

18

19 17. In plaintiffs' TRO application, plaintiff states that defendant uses the email address James  
20 Smith, Twitter alias @PedoCaptain and @BV\_Truther or these others. Defendant absolutely denies  
21 this.

22

23

24 18. Defendant further denies that he contacted anyones school or made any threats towards any  
25 school, as alleged by plaintiff in p. 33, ¶51 of the TRO petition.

26

27

28

1       19. I find it totally ironic that McGibney comes into this TRO court complaining about how his  
2 home address and such were posted online when McGibney himself runs a revenge website that does  
3 the exact same thing to tens of thousands of people. I, myself, have had my home address, photos,  
4 and other personal information posted online by Mr. McGibney. It seems he tweets about me on  
5 Twitter at least twice a day – that is until Twitter finally got around to banning his account. Then  
6 twitter banned eight other accounts McGibney used for harassment and stalking.  
7

8

9       20. The only person here creating websites and harassing people is James McGibney. McGibney  
10 bought website domains in the names of my wife and two children, and two sites in my name, as well  
11 as a website in the name of Texas attorney Jeffery Dorrell! Mr. McGibney has done this in the names  
12 of each of the lawsuit victims here, as well.

14

15       21. I had one email contact with the ViaView company back in September, I think, when I asked  
16 them to take down photographs they had of my daughter on their website. But Cheaterville has a  
17 specific policy of non-removal unless you pay money to a “service” that is affiliated with them to get  
18 the posts down. At least three people have sued Cheaterville and McGibney in federal court over  
19 their blackmail and extortion activities: Jared Powers and Winona Valdez Case, a husband and wife  
20 from Sacramento, case 2:13-cv-01701-JAM-CKD; and Ebenezer Quainoo, a medical doctor from  
21 Maryland, case 1:14-cv-00674-JKB. There is presently a RICO lawsuit pending in Atlanta, GA  
22 against the Take Down “services” McGibney is involved in with his Cheaterville site that was filed  
23 by a female Georgia attorney who was posted and defamed by these websites, and then forced to pay  
24 money to remove the posts. Because a lot of this, and the loss of his advertisers, all took place at  
25 around the same period of time, I think McGibney blames me for this and, thus, I because his next  
26  
27  
28

1 target to hatred. See, because every six or so months McGibney needs someone new to focus his  
2 angry on and to rally his "troops" and to keep up the buzz on his websites.  
3

4 22. McGibney has filed a bunch of lawsuits against me and about ten other people all over the  
5 country. Specifically, there are three lawsuits currently pending in three different forums involving  
6 similar claims against the same defendant (and groups of defendants): (1) McGibney v. Retzlaff, et  
7 al., No. 067-270669-14, Tarrant County District Court in Ft. Worth, Texas, filed February 19, 2014;  
8 (2) McGibney v. Retzlaff, et al., No. 14-cv-01059-HRL, U.S. District Court for the Northern District  
9 of California, filed March 6, 2014; and (3) Via View v. Retzlaff, No. 1-14-CH-005460, Santa Clara  
10 County Superior Court, California, filed March 17, 2014. Attached as Exhibits are true copies of  
11 these lawsuits and their anti-SLAPP motions.  
12

13  
14 23. There are currently THREE anti-SLAPP motions for sanctions pending: one in federal court  
15 and one in Texas state court. In the Texas case there is a request for \$1 million in monetary penalties  
16 (which is allowed under Texas' version of the anti-SLAPP law). There is an anti-SLAPP motion now  
17 pending in this case here. The very definition of a SLAPP is the filing of multiple lawsuits against  
18 the same people for the same basic set of facts, which is true here in each of these cases.  
19

20  
21 24. If McGibney thought that I was a real threat to him or his family, then why has he been  
22 blasting out my name and personal information on Twitter nearly every day for the past eight  
23 months? Why is he creating harassment websites in my name and in the names of my wife and  
24 children if he feels that I am so dangerous to him?  
25  
26

25. It is my belief that this is nothing but a publicity stunt for James McGibney. He had some reporter named David Kushner from Rolling Stone magazine contact me and my son last week wanting comments on the supposed "feud" between myself and McGibney. If I am this terrible and great danger to James McGibney, why is he referring all these news reporters to come talk to me? That is the most ridiculous thing that I have ever heard!!!

26. TROs for Workplace Violence are there for real people suffering real harm, not for publicity seeking revenge porn operators who are trying to make their move into the mainstream. Never once have I ever sent Mr. McGibney a death threat.

27. Attached exhibits are true and correct copies of the originals.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED this 29<sup>th</sup> day of July, 2014, at Phoenix, AZ.

X   
Thomas Retzlaff

# **EXHIBIT 5**



He Who Must Not Be Named said:

September 1, 2014 at 3:54 am



**MARIE @MY\_2BCOLLIES**

02 Sep

@9riest\_ I'm confused:( Is that good or bad? Or is this one of may lies the  
K3rs make??????



**Commander Xylophone**

Follow

@9riest\_

@MY\_2BCOLLIES THE FAIL BLOG CLAIMS RETZLAFF IS  
SUING JAMES AND JAY WHICH IS OBVIOUSLY FALSE

6:31 PM - 1 Sep 2014

← 27 →



**Commander Xylophone @9riest\_**

02 Sep

@MY\_2BCOLLIES THE BIGGER MISTAKE IS THERE IS NO COURT CASE  
AGAINST EITHER MCGIBNEY OR LEIDERMAN IN PACER :D  
[pic.twitter.com/RHDZ242Bcz](http://pic.twitter.com/RHDZ242Bcz)



**Capt O ---- →**

Follow

@Captien\_007

@9riest\_ @MY\_2BCOLLIES he hasn't come up w the bond  
collateral to officially file his anti-SLAPP in CA so . . . he  
can't do same to sue J&J

8:37 PM - 1 Sep 2014

← 27 →

You guys are some dumb nigger motherfuckers if this is what you think. I, er,  
he ain't got to put up no motherfucking bond to file any motherfucking  
lawsuit. You seen the lawsuit I filed against that jew motherfucker Leiderman  
in AZ right? No bond there bitches! right? ok, so stop being a bunch of dumb  
cunts flapping your lips about things you don't know.

CJ, u fucking whore, I'm coming after u next bitch! U stupid cunt. AZ doesn't  
have a vexatious litigant law and so fuck y'all. Imma vex ur asses until ur

bankrupt. That kike faggot is gonna be spending all his days on Jim McGibney LOLsuits as Imma make sure he gets flooded with paperwork. A motion every week or two will keep his jew ass hopping bitches! No time for his criminal practice when I will bury him under a mound of motions. And just wait till discovery starts. lol

Imma make that faggot McGibney hemorrhage money out his bleeding asshole! I forced him to spend a pile of green in TX, already into six figures, right Jimmy boy?! Yeah, bitch. we just getting warmed up.

That TRO case in San Jose was just an appetizer for me, cunt. Just enough excitement to get my printer warmed up and the cobwebs cleaned out.

I got me a book of every single possible federal motion one can ever file. The Lexis-Nexis database is wide and deep, bitches! And Imma gonna use every single one of them!!! My law-fare has been honed by DECADES of experience going up against the biggest law firms in TX. You think some sole practitioner faggot like Leiderman stands a chance here, especially when I can file LOLsuits all over the US?

I got EIGHT – count 'em – eight, motherfucker, 8 lawsuits already ghost written for JoJo so when he gets out he'll be ready and we gonna fuck all you letter writing bitches up BIG TIME! I got shit for Jo Jo to use in small claims court as well as in federal court. Leiderman, you're toast, bitch! Your law practice will be nothing but JoJo and TR for the next 12 months, bitch. No time for paying clients faggot. I got a PACER account already set up for Jo Jo so we can rock and roll!!! Funny how I never had no cause to speak to him before (thus no conspiracy w/ him) until you cunts came along and caused us all to band together for our mutual defense.

But now we going on the attack, you jew motherfucker! And all you McGibney faggots – like CJ, and Tara, and Dillon, and Sue, and Kristen, and the rest of you letter writers and hanger's on are all coming along for the ride bitches! Hey all you ViaView Investors! You niggers better get ready, too, cuz we gonna sue you to! Individually and personally. And if you don't like it, well you get to hop on a plane and fly allll the wayyyyy acrossss the country to show up in a court somewhere and fight it. See we can lose as many as we want. But you, on the other hand, have to show up and win each and every time.

So el oh el faggots.

REPLY

# **EXHIBIT 6**

To:  
Fax: 18056540280  
Phone:

From: Tom Retzlaff  
Date: 25-Aug-14

RE: San Jose TRO

- Urgent       Please Comment  
 For Review       Please Reply

Comments:

Forgot to send this earlier. And FYI - I got a WRITTEN opinion from 3 different attorneys (One in CA, AZ and here in TX) saying your TRO is NOT enforceable (1) due to the appeal / mtn for new trial, (2) the anti-SLAPP stay, and (3) it doesn't apply out of state, and (4) most certainly doesn't apply when I am outside of the U.S. These are people I paid for to give me expert legal advice. The only person who can enforce the order is a DA anyways, not u. FYI-I dont care about ur client and never had contact w/ him anyways and won't start now. My daughter is another matter and u lied to her.

**fax cover**

PO Box 46424, Phoenix, AZ 85063  
[Phone number - 210-317-9800]  
[Fax number - ]  
[e-mail - retzlaff@texas.net]  
[Website - ]

# **EXHIBIT 7**

----- Original message -----

**From:** "Tom Retzlaff" <[retzlaff@texas.net](mailto:retzlaff@texas.net)>

**Date:** June 5, 2014 at 3:51:48 AM GMT-5

**To:** [REDACTED] >

**Subject:** my attorney fees

Curious as to how much this case has cost? Exactly \$66,955. Yes, you heard me. This is how much it has cost to fight your internet hacker friend's lawsuit in Texas. When your grandfather took his South American cruise last month, you want to know how much that cost? About \$30 grand. And when he

took his trip to Russia the month before that. Yeah, that's right. So this lawsuit has cost the equivalent of Boppie taking just two cruises out of the dozen or more trips he makes every year. Do you think he minds? Not a bit! Who the fuck spends \$66,955 in attorney fees if they don't think they have a damn good chance at winning, and winning big?? Ha ha ha

You silly bitch, you think that by telling your mom It's her own fault for having her and Collin's Instagram open that it's okay for people to take their photos to stalk and harass them? Or that just because mom's home address is online (WHICH IT FUCKING ISN'T YOU FUCKING MORON!) that it's okay for people to post it on a stalker's website so she can be harassed. And I guess you're also cool with the fact that your grandfather's info was posted by James, too. But you're cool with that, right? **Maybe the next time you get raped it will be your fault for wearing thong panties and that short skirt you like!** In fact, your friend, whom you call "James", went on Twitter the other day and said to someone "Well Bitch, you're so-called "rape" was YOUR OWN FAULT. Keep your legs closed next time!!" And, FYI, Collin's Instagram wasn't open – it was hacked. **And how do you explain the fact that it was this James follow or one of his friends that bought a website up in your brother's name?**

I also see that you've told your new friends that story about hidden cameras in the bathroom. You stupid, stupid little girl. You don't think I already have that covered? You don't think I remember that you told your brother like 4 DIFFERENT stories about how these pictures came to be? Yeah, dummy. I already secured a written affidavit from your brother. **Plus he will be coming to court to testify for me if needed. Same with your mom.** Now just how well do you think that will go over in court? Your own brother and mother testifying against you? You're a fucking lunatic with a history of mental illness who sold all of her property, ran off to Peru, married some boy in exchange for money, and joined a crazy religious cult. Compared to your own brother testifying against you and that you have told different stories about this and how you like to lie a lot. THERE WERE NO HIDDEN CAMERAS YOU SILLY LITTLE BITCH! Your nude photos are clearly posed for. I can see you looking straight into the camera and smiling. Oh but that's fake, right? What the fuck would I need hidden cameras for when I have seen you naked THOUSANDS of times even grown up? It's not like you've ever been shy around me, kid. Nor was it ever a big deal.

Did you think that just because this guy files some papers in court and says my name on twitter that I was going to go and run away? Come on, dude, you know me better than that! You think this is the first guy like this that I have come across before?

By the way, the fact that you married that boy FOR MONEY is why his Visa got turned down and why he is on the list keeping him out.

And how does hidden cameras in the bathroom explain the fact that sex videos OF YOU FUCKING were posted as well? Oh, I guess I made those as well, right?

You make a deal with the Devil, don't be surprised when you get burned. A guy who owns a revenge porn website is NOT your friend and he cannot be trusted. And if you don't believe me, then ask some of the 10,000 or so girls JUST LIKE YOU that are posted on his website. In fact, when we all go to court (assuming I even bother to show up, and assuming that this guy & his company are still around and didn't lose all their money in Texas), I will ask you that very question. How do you explain your involvement with a revenge porn website.

You stupid, stupid little girl. You and this retard think you're dealing with some kind of amateur? I've been doing this shit for nearly 20 years and I've won hundreds of thousands of dollars – all on my own against some of the biggest and best law firms in TX. You don't think I know what the fuck I'm doing? And now I have one of the Number One 1<sup>st</sup> Amendment lawyers in TX on my side, as well as THE TOP 1<sup>st</sup> Amendment lawyer in California waiting, you think that faggot McGibney and Leiderman can beat me?

And what will be left of you and your life, whether here or in Peru, as a result?

One way or the other, kid, you're going to get fucked. Whether it's by me or by him or by someone else, you will get it in the end. You decided to jump in the mess, don't be surprised when the folks in Peru start getting emails and phone calls.

But whatever. ██████████ does what she does and damn the consequences, right?

I strongly suspect that the LAST TIME you will ever see your brother again is in a court room with you facing off against your dad with him at my side. If you think you can live with that, fine by me.

Dad

# **EXHIBIT 8**

----- Original message -----

From: Tom Retzlaff <[retzlaff@texas.net](mailto:retzlaff@texas.net)>  
Date: Thursday, May 15, 2014  
Subject:  
To: [REDACTED] <[REDACTED]@[REDACTED].com>

Listen, I know this religious stuff is very important to you, but I have a lot of difficulty understand that kind of stuff and why it appeals to you. That still does not mean that I can't appreciate the fact that this is something important to you. I don't like it or agree with it – but most importantly that doesn't matter. What matters is what you get out of it and how it makes you feel.

I respect that.

I respect that part of your life about you. And don't think for an instant that I love you any less for you. Because I do not. While at first I was very, very angry and did not want to have anything to do with you, with my age has come some wisdom and a greatly increase in knowledge on this matter.

With regards to the upcoming conflict, you need to understand that those people out you in the middle of this for a reason, and it wasn't for my reason and it wasn't for your reasons. They have their own agendas which have nothing to do with ours. But irrespective of that, I will have to do whatever it is that I have to do to get at and destroy these people in the same fashion that I have done so before, and if you get caught in the middle or in the cross fire, so be it. I will not slow down or lesson my attacks one bit because of your presence.

After all, you were the one who decided to sign up for this little fight. And if I end have having to go through you to get at them, I will do so. I will be very sad afterwards. But I get sad about a lot of things anyways, so what's one more sad thing, eh?

This McGibney & Leiderman guys don't know who they are messing with. I wrestled and stole away hundreds of thousands of dollars from multinational corporations in lawsuits that they did not want to give me. But in the end I prevailed. I fought for an won my freedom from prison (and the freedom of thousands upon thousands of men) when it was me alone vs. the entire state of Texas. You read all the letters that I got from all the inmates I helped afterwards and the newspaper reports. 4,500 people let out on account of me. Who knows how many by now ten years later.

Just so you know that I will fight, that I fight hard, and that I end up winning more often than not. And when I do lose, I make damn certain that the other guy wished he hadn't got into the fight to begin with. That's the secret to losing: making the other guy's "victory" taste like burnt ashes in his mouth with his litigation budget all blown to hell, his bosses all pissed off over all the delays and hearings and clients being forced to write check after check in order to stay in the fight. And in the end left then with nothing but a scrap of paper with a judgment on it not worth the paper it is written on.

So I will fight him, and I will fight you. In the end when you end up destroyed, who will be left to care about you then? But this is what you get when you associate with the kind of man who runs a revenge porn company and who makes his money in ways we both know Jehovah would not approve up. And once your elders find out about this, you're dead meat.

# **EXHIBIT 9**

## Emails from Denise Hollas to James McGibney

\*\*It should be noted that the majority of emails that were exchanged between Denise Hollas and James McGibney were immediately forwarded to the FBI, the San Jose, PD and the District Attorney. Especially any emails that had death threats which Thomas made towards or about Brittany.



Tue 7/15/2014 11:31 AM

legal@bullyville.com on behalf of Denise A Hollas <DAHollas@iasishealthcare.com>

Re: Hello.

To: legal@bullyville.com

✉ You forwarded this message on 7/17/2014 8:48 AM.

I Denise A Hollas saw Thomas Christopher Retzlaff have the court papers in his hand and saying I'm GOING TO FIGHT THIS AND BUT A LAW SUITS AGAINST THEM. The server gentleman saw Thomas Retzlaff and he went over to the sofa hiding . Thomas Christopher Retzlaff Said if Brittany Retzlaff ever come back to American soil I will FUCKEN KILL HER.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)



Tue 7/15/2014 11:31 AM

legal@bullyville.com on behalf of Denise A Hollas <DAHollas@iasishealthcare.com>

Fw:

Denise A Hollas

✉ You forwarded this message on 7/15/2014 11:47 AM.

Message 20140712\_201113.jpg (2 MB)

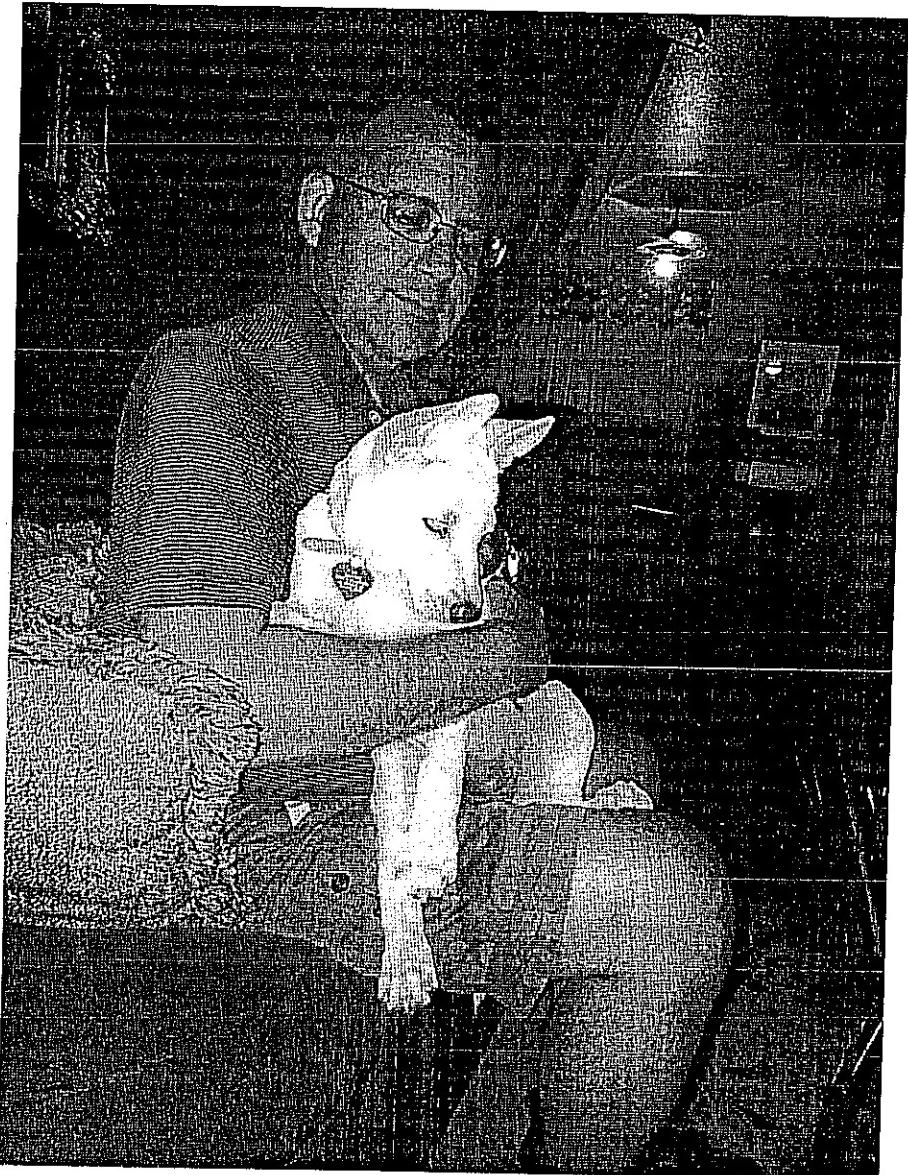
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

..... Forwarded by Denise A Hollas/SI MC/IASIS on 07/15/2014 11:30 AM .....

From: denise hollas <[denise.hollas@iasishealthcare.com](mailto:denise.hollas@iasishealthcare.com)>  
To: Denise A Hollas <[DAHollas@iasishealthcare.com](mailto:DAHollas@iasishealthcare.com)>  
Date: 07/15/2014 11:26 AM  
Subject: Re

EMAILS & TEXTS OF DENISE  
HOLLAS TO JAMES MCGIBNEY  
WITH 7/28-7/30 EXCISEP

**Image that was attached (20140712\_201113.jpg) to aforementioned email.**



To: [Denise.A.Hollas@iasishealthcare.com](mailto:Denise.A.Hollas@iasishealthcare.com)  
Subject: RE: Wanted to make sure you saw this.....

we will call tonight on collins cell phone so we can put all the thought together for you. These emails are making me sick to my stomach what a sick person he needs so much help.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL\\_dahollas@asishealthcare.com](mailto:EMAIL_dahollas@asishealthcare.com)

This message has been sent by a computer system on behalf of Denise A Hollas <[DAHollas@asishealthcare.com](mailto:DAHollas@asishealthcare.com)>

↳ Tracing history: the root

✉ This message has been replied to or forwarded.

Collin Retzlaff saw Thomas Retzlaff us my daughters debit card from Bank OF America in vegas two years ago in July.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL\\_dahollas@asishealthcare.com](mailto:EMAIL_dahollas@asishealthcare.com)

From: James <james@bullyville.com>  
To: 'denise hollas' <hollasdenise@yahoo.com>  
Subject: FW: ViaView lawsuits

You forwarded this message on 7/22/2014 2:47 PM.

He was there in the house...we are not lying for him.

Sent from Yahoo Mail on Android

**From:** James <james@bullyville.com>;  
**To:** 'denise hollas' <hollasdenise@yahoo.com>;  
**Subject:** FW: ViaView lawsuits  
**Sent:** Tue, Jul 22, 2014 5:41:05 AM

Thomas sent this to one of our lawyers (the one he's suing.) He's planning on asking you and Collin to lie on his behalf. "My son and his mother will be filing affidavits to that effect when I file my motion to strike for defective service."

He's also lying by stating that he wasn't even at the house when he was served. He's stating that he was still at the hospital.

From: James <james@bullyville.com>  
To: 'denise hollas' <hollasdenise@yahoo.com>;  
Subject: Rolling Stones  
Sent: Tue, Jul 22, 2014 5:47 PM

You forwarded this message on 7/22/2014 5:47 PM.

Thomas Retzlaff asked me if he typed something up for rolling stone would i sing my name saying that James McGibney was a liar on that Retzlaff never did nothing but say a few bad things on tweeter.

Thank you  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
EMAIL.dahollas@asishealthcare.com

 Tue Jul 22 2014 9:07 PM  
 denice\_behler <denice.behler@yahoo.com>  
Re: RE: RE: RE: RE: Sorry has been a crazy day.

 James

 You forwarded this message on 7/22/2014 9:07 PM.  
If there are problems with how this message is displayed, click here to view it in a web browser.

You have a very beautiful family it's so sad because they haven't done nothing to him..it makes me so sad . Tom called me tonight saying that the lawyer in texas did a credit check on you and that your just trying to be famous off this. and its a huge joke that he's the boogeyman of the Internet. ..oh I should move in with him...lol Omg i about shit myself. .he wants a meal ticket no thanks I told him..yucky.

Sent from Yahoo Mail on Android

 Tue Jul 22 2014 9:15 PM  
 denice\_behler <denice.behler@yahoo.com>  
Re: RE: RE: RE: RE: RE: Sorry has been a crazy day.

 James

 You replied to this message on 7/22/2014 9:20 PM.  
If there are problems with how this message is displayed, click here to view it in a web browser.

He does live in phoenix it's crossroads is 3rd cambleback.

Sent from Yahoo Mail on Android

 Tue Jul 22 2014 9:20 PM  
 denice\_behler <denice.behler@yahoo.com>  
Re: RE: RE: RE: RE: RE: Sorry has been a crazy day.

 James

 You replied to this message on 7/22/2014 9:27 PM.  
If there are problems with how this message is displayed, click here to view it in a web browser.

Do you have is address? I know it's on elme st in phoenix. If you get him out of our lives I owe you BIG TIME !!!!! DINNER ON ME...plus drinks... it would be a dream when my daughter can live in peace and go anywhere with our him stalking her.

Sent from Yahoo Mail on Android

From: Denise A Hollas  
To: James McGibney  
Subject: Re: Good Morning.

You replied to this message on 7/3/2014 3:50 AM.

I'm just very stressed i just fell like it was in 1997 all over again.. I'm sorry i made you fell that way. I really don't have alot of time today its close to the end of the years for us at work so i have many reports to complete today. I told Collin to get it done today at school.OMG TOM IS DRIVING ME CRAZY I WANT TO KILL MY SELF, I said make sure you go outside the clean up will be better.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

From: Denise A Hollas <[dahollasdenise@yahoo.com](mailto:dahollasdenise@yahoo.com)>  
Subject: Re: Klansman youtube comments.

To: James McGibney

You forwarded this message on 7/24/2014 10:27 AM.

He does have some stock's he said in Rete holding from his mom who past away.

Sent from Yahoo Mail on Android

From: Denise A Hollas <[dahollasdenise@yahoo.com](mailto:dahollasdenise@yahoo.com)>  
Subject: Re: Please don t forget about the "Dean Anderson" email.

To: James

You forwarded this message on 7/24/2014 2:08 PM.

I Denisse Hollas have received emails from Dean Anderson many times asking about Thomas Retzlaff and Brittany Retzlaff, I would send the emails back and Tomas Retzlaff would call ask asked why would you say that in the email, hummm I said to my self really it's Thomas Retzlaff behind it.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

Jul 25 2014 6:28 AM

james.mcgibney@bullyville.com (James McGibney)

Re: This is starting to make its rounds on Twitter

James McGibney

You replied to this message on 7/25/2014 6:28 AM.

Omg Tom's driving me crazy he wants me to write a statement saying how he was at my house at Christmas so he couldn't put those pictures up. He hired a attorney in California today. Tom's telling the attorney that's your a crazy dangerous hackers..lol

Sent from Yahoo Mail on Android

Jul 25 2014 6:28 AM

james.mcgibney@bullyville.com (James McGibney)

Re: This is starting to make its rounds on Twitter

James McGibney

This message has been replied to or forwarded.

I told him I'm not doing no statement he can ask me in court I told him plus he wants to talk to collin toniglif I told him Collins not going to be on your side..

Sent from Yahoo Mail on Android

**From:** James McGibney <[james@bullyville.com](mailto:james@bullyville.com)>;  
**To:** denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)>;  
**Subject:** Re: This is starting to make its rounds on Twitter  
**Sent:** Fri, Jul 25, 2014 4:00:56 AM

Unreal. He knows what he did to Brittany and so do a lot of other people including law enforcement. I'm so glad you see right through his bullshit.

On Jul 24, 2014 8:57 PM, "denise hollas" <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)> wrote:

For the last 10 years I have helped u every single time u asked!!

U also know that I never abused brittany like that guy said that I did. U could put that in the statement too!

Sent from Yahoo Mail on Android this what he texted me tonight..

This message has been redacted

To protect your privacy, Outlook prevented automatic download of some pictures in this message.

**Re: This is starting to make its rounds on Twitter**

From: James McGibney

¶ This message has been replied to or forwarded

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

On thomas side.

Sent from Yahoo Mail on Android

**From:** James McGibney <[james@bullyville.com](mailto:james@bullyville.com)>;

**To:** denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)>;

**Subject:** Re: This is starting to make its rounds on Twitter

**Sent:** Fri, Jul 25, 2014 4:08:16 AM

Just to confirm you told him Collins not going to be on our side?

On Jul 24, 2014 9:06 PM, "denise hollas" <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)> wrote:

I told him I'm not doing no statement he can ask me in court I told him plus he wants to talk to collin tonight I told him Collins not going to be on your side..

Sent from Yahoo Mail on Android



Fri 7/25/2014 4:08 AM

denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)>

**Re: This is starting to make its rounds on Twitter**

To: James McGibney

¶ You replied to this message on 7/25/2014 6:37 AM.

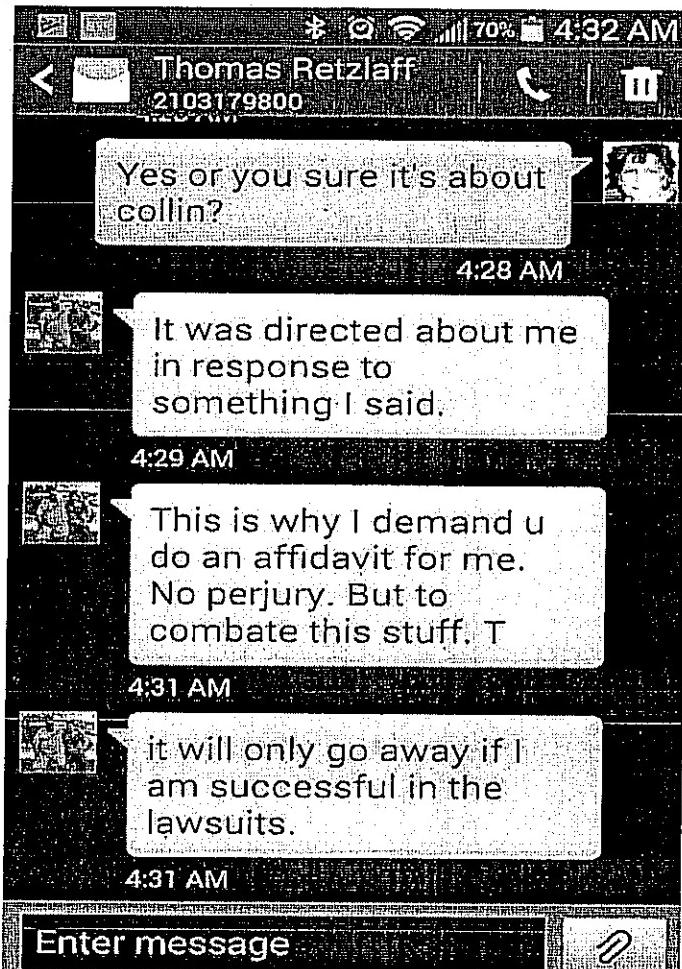
Message

Screenshot\_2014-07-25-04-32-17.png (242 KB)

Omg he's nuts

Sent from Yahoo Mail on Android

Image that was attached (20140725-043217.jpg) to aforementioned email.



RE: 20140725-043217.jpg M4  
denise hondas <chondaseenie@yahoo.com>  
Re: This is starting to make its rounds on Twitter

To: James McGinney

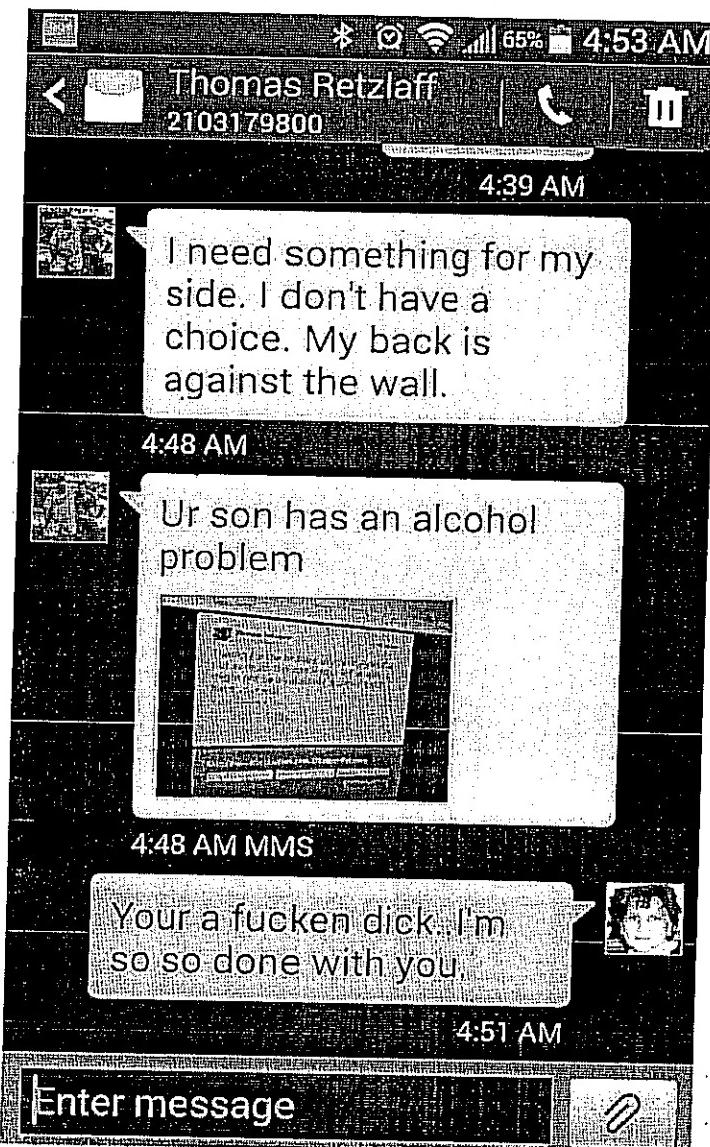
① You forwarded this message on 7/25/2014 6:41 AM.

Message ① ② Screenshot\_2014-07-25-04-53-12.png (290 KB)

I'm so fucken mad at him he's said he's going to make me go Tuesday with a subpoena.i truly hate that man.

Sent from Yahoo Mail on Android

Image that was attached (20140725\_045312.png) to aforementioned email.



From: James [mailto:james@bullyville.com]  
To: Denise Hollas [mailto:denehollasclerk@yahoo.com]  
Subject: Re: RE: This is starting to make its rounds on Twitter

To: James

You replied to this message on 7/25/2014 7:24 AM.

I know saying anything to drive me crazy i have to shut my phones off today because he has called me 19 times all night i haven't been to bed.

Sent from Yahoo Mail on Android

**From:** James [mailto:james@bullyville.com]  
**Sent:** Friday, July 25, 2014 6:55 AM  
**To:** 'denise hollas'; 'Denise A Hollas'; 'Jay Leiderman'  
**Subject:** Introduction

Morning Jay,

I'd like to introduce you to Denise Hollas. I have had the fortunate experience of getting to know her over the past month or so. She is a very brave woman who has had to deal with Thomas for decades. She has literally had enough of him, he is bothering her nonstop and has been trying to pressure her into signing false statements. Luckily she's not falling for his crap and has put her foot down. I'm very proud her, Denise and Collin for having the courage to stand up to this monster. I'm going to be traveling for most of the day and will have very limited access to email so I wanted to make a couple of suggestions.

1. I recommended to Denise that she consider getting a restraining order against Thomas today. He is only going to make her life a living hell and even though he openly ignores restraining orders, he can be arrested the second he violates it due to the documented past history of violence he's had against her.
2. I've recommended to Denise that she not sign anything that Thomas (or his new lawyer) ask her to sign. He has already insisted that she sign affidavits that are full blown lies. He doesn't care if he asks her to commit perjury, he only cares about himself.
3. It might make sense for us to get an affidavit over to Denise with some facts. Such as the fact that he's trying to get her to lie about certain things. He's also threatened to have her subpoenaed for Tuesday's hearing.

Bottom line is that we need to protect Denise, Collin and Brittany from Thomas. Their safety is my main concern.

From: James [mailto:james@bullyville.com]  
To: Denise Hollas [mailto:denehollasclerk@yahoo.com]  
Subject: Re: Worried about you. everything okay?

To: James

You replied to this message.

James, well thomas said he can't travel so his attorney will be there not him.

Sent from Yahoo Mail on Android

**Re: Worried about you, everything okay?**

To: James McGibney

¶ This message has been replied to or forwarded.

Some server guy came to my house today looking for tom my husband said he didn't live here. I hope they come back so I can find out who's after him...

Sent from Yahoo Mail on Android

Fri 7/25/2014 7:08 PM

denise hollas <hollasdenise@yahoo.com>

**Re: Worried about you, everything okay?**

To: James McGibney

¶ This message has been replied to or forwarded.

I hope he comes back while I'm home or collin so we can ask or take the paperwork. Keep up up on this.

Sent from Yahoo Mail on Android

**Re: Worried about you, everything okay?**

To: James McGibney

¶ You replied to this message on 7/27/2014 3:13 PM.

Message

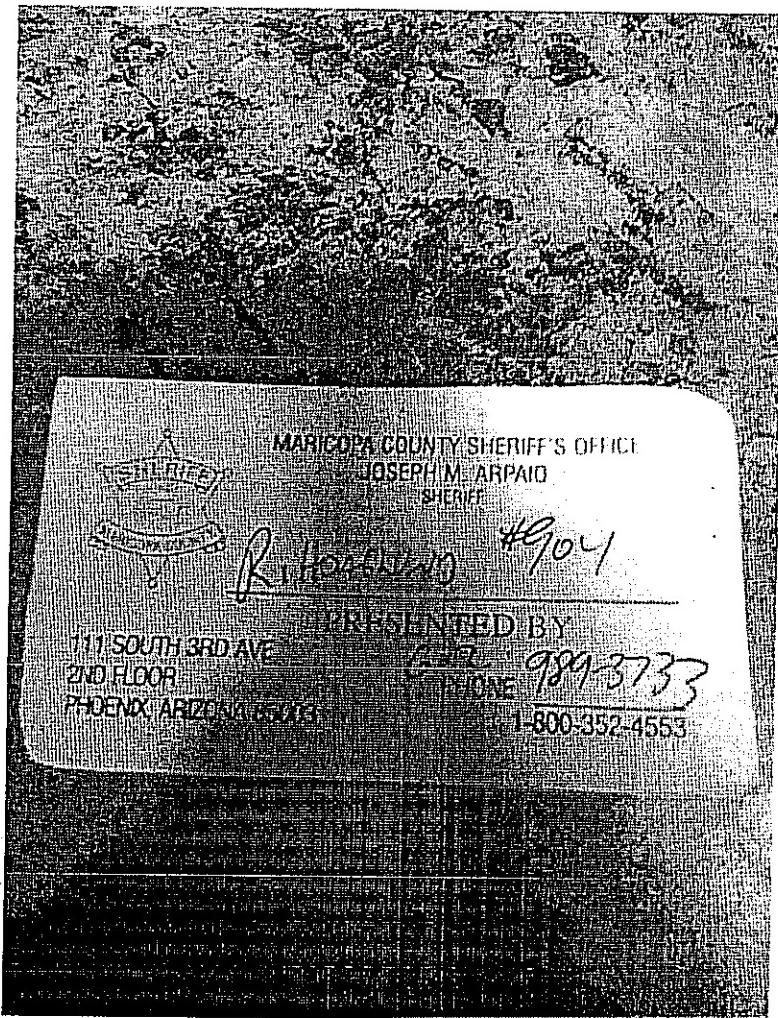
yimg-1123660600-1-740459474.jpg (2 MB)

yimg-1123660600-1--631717657.jpg (2 MB)

This was on my door this is who's looking for him.

Sent from Yahoo Mail on Android

Image that was attached (yimg-1123660600-7-740459474.jpg) to aforementioned email.



Sat 7/26/2014 4:58 PM

danielle\_isella <dmilaschmire@yahoo.com>

Re: Hi, just making sure you and Collin are okay?

To: James McIlhenny

❶ This message has been replied to or forwarded.

Omg we have a huge problem. ...tom saw collis phone and the paperwork you sent him plus the PayPal payment. ..he's telling Collins he's going to destroy him in court on Tuesday. Plus his life will be destroyed by you and the other trolls on the computer. ☹

Sent from Yahoo Mail on Android

Re: Hi, just making sure you and Collin are okay?

From: James McGibney

This message has been replied to or forwarded.

I know that but toms can be crazy.hes in collin bedroom right now telling him crap. Saying your guys life is over with the hackers enjoy you life now soon it's going to be over. Tom is going to subpoena collin for Tuesday court so he can destroy him. I'm so scared this is so crazy .

Sent from Yahoo Mail on Android

**From:** James McGibney <[james@bullyville.com](mailto:james@bullyville.com)>;  
**To:** denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)>;  
**Cc:** Jay Leiderman <[Jay@criminal-lawyer.me](mailto:Jay@criminal-lawyer.me)>;  
**Subject:** Re: Hi, just making sure you and Collin are okay?  
**Sent:** Sun, Jul 27, 2014 12:06:18 AM

He's not destroying anyone on Tuesday but himself. And the PayPal payment was reimbursement for the FedEx shipment he sent the affidavit from to our lawyer, along with the notary fee and travel expenses.

On Saturday, July 26, 2014, denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)> wrote:

Omg we have a huge problem. ...tom saw colli s phone and the paperwork you sent him plus the PayPal payment. ...he's telling Collins he's going to destroy him in court on Tuesday. Plus his life will be destroyed by you and the other trolls on the computer. ☺

Re: Good Morning.

From: James McGibney

This message has been replied to or forwarded.

Well Tomas doesn't know that I helped only collin. Thomas is very upset he's going full force to win with lawsuit lots of them, he keeps saying he is totally fucked collin killed him. But collin has nothing to say to him and told him that he's a big liar. And that it's not against  
The law to write stuff on the Internet. I told him collin got the money for expensive for signing and sending the letter to the lawyer. He's leaving tomorrow.  
Sent from Yahoo Mail on Android



Sent from the web

denise.hollas <hollassdenise@yahoo.com>

**Re: Good Morning.**

by James McGibney

This message has been replied to or forwarded.

James, I tried to get it out of him what he meant by it I even took that fool out to dinner with drinks mostly for me lol. collin and I or not going to sign anything I told him that over and over. we do know that he has b6 files on his phone he gets updated when a new comment his made because he showed us yesterday. I told thomas I would stay at his house to watch the dog because she just had surgery Monday night.

Sent from Yahoo Mail on Android

**From:** James McGibney <james@bullyville.com>;  
**To:** denise.hollas <hollassdenise@yahoo.com>;  
**Cc:** Jay Leiderman <jay@criminal-lawyer.me>;  
**Subject:** Re: Good Morning.  
**Sent:** Sun, Jul 27, 2014 5:07:26 PM

Hi.

Out of curiosity what was Thomas referring to when he said Collin killed him? Also please let Collin know that he shouldn't sign anything that Thomas tries to make him sign. He's trying to get you guys to commit perjury. please don't fall for it.



Sent 7/27/2014 11:04 AM

denise.hollas <hollassdenise@yahoo.com>

**Re: Good Morning.**

by James McGibney

This message has been replied to or forwarded.

James, all he kept on saying that he's dead and now he has to fight these crazy hackers and keep them in court and destroy them.i asked him how you going to do it. Lawsuits. Tomas said nothing on name dropping.

Sent from Yahoo Mail on Android

James McGibney  
Henry Hensley  
Re: Good Morning.

To: James McGibney

You replied to this message on 7/27/2014 3:01 PM

Message 1 Screenshot\_2014-07-27-11-47-17.png (246 KB)

James I saw this and retzlaff said this yesterday about it's not workplace violence ..that's so nuts because I see the same wording.

Sent from Yahoo Mail on Android



as arising "from an attempt by plaintiff ViaView and its employee / CEO James McGibney to silence free speech and online criticism of plaintiff's company (which is a revenge porn website) via this court procedure to secure a TRO for Workplace Violence. Plaintiff's counsel has appeared several times, ex parte, and obtained numerous orders from this court to shut down online accounts and websites that are critical of plaintiff's business, in violation of California's anti-SLAPP statute. Both Viaview and James McGibney are Public Figures within the meaning of the anti-SLAPP statute having inserted themselves into numerous controversies over the past several years and having made numerous media appearances regarding the subject of bullying and infidelity. As such, they are the fair subject of criticism, even intense criticism."



Mon Jul 28 2014 10:26 AM

denise hollas <whillpdene@yahoo.com>

**Re: Good morning.**

To: James

❶ This message has been replied to or forwarded.

No shit I'm just drained. He was over my house all weekend bugging us saying I'm going to kill myself ...

Sent from Yahoo Mail on Android

**From:** James <james@bullyville.com>;

**To:** 'denise hollas' <hollasdenise@yahoo.com>; 'Denise A Hollas' <DAHollas@iasishealthcare.com>;

**Subject:** Good morning.

**Sent:** Mon, Jul 28, 2014 1:53:36 PM

Hope you and Collin are doing okay. Has been a rough weekend for everyone involved.



Mon Jul 28 2014 10:26 AM

Denise A Hollas <whillpdene@yahoo.com>

**Re: Good morning.**

To: James

❶ You replied to this message on 7/28/2014 10:15 AM.

Happy Monday!!!! ... Collin said he would writ a note for Tom say he loved his dad and he needs help that's all he is going to write.

Denise A Hollas

Business Office

Tempe/BHC SCANNER

1800 E Van buren

Phoenix, AZ 85006

602-251-8259

FAX 602-251-8215

EMAIL.dahollas@iasishealthcare.com

From: James McGibney <james@bullyville.com>  
To: denise hollas <hollasdenise@yahoo.com>  
Subject: Re: Good morning.

To: James McGibney

You replied to this message on 7/28/2014 1:00 PM.

Sent from Yahoo Mail on Android

Tom's really on collin to take back all he said.

**From:** James McGibney <[james@bullyville.com](mailto:james@bullyville.com)>;  
**To:** denise hollas <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)>;  
**Subject:** Re: Good morning.  
**Sent:** Mon, Jul 28, 2014 4:14:24 PM

I can only imagine. Did he try to get you or Collin to try and sign anything? Please let me know if/when he leaves Phoenix for his hearing tomorrow. We want to give law enforcement a heads up. As always, thank you for your help.

On Jul 28, 2014 7:51 AM, "denise hollas" <[hollasdenise@yahoo.com](mailto:hollasdenise@yahoo.com)> wrote:

No shit I'm just drained. .he was over my house all weekend bugging us saying I'm going to kill myself. .

Sent from Yahoo Mail on Android

From: James McGibney <james@bullyville.com>  
To: denise hollas <hollasdenise@yahoo.com>  
Subject: Re: Good morning.

**COLLIN RETZLAFF**

[retzlaffcollin@gmail.com](mailto:retzlaffcollin@gmail.com)

You replied to this message on 7/28/2014 1:00 PM.

James, Tomas retzlaff came over to my home in El mirage AZ Sunday July 27 2014 . Mr.Retzlaff grabbed Collins cell phone out of his hands  
and saw the email that James had sent Collins for a affidavit and wants Collins to take it all back saying it's a lie. I told Collins not to sign nothing MR.Retzlaff gives him to sign. as of today Collins is in hiding from Thomas so he cant find him.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
EMAIL.[dahollas@iasishealthcare.com](mailto:dahollas@iasishealthcare.com)

Mon 7/28/2014 11:21 AM  
Denise A Hollas <[DeniseA.Hollas@asishealthcare.com](mailto:DeniseA.Hollas@asishealthcare.com)>  
Re: COLLIN RETZLAFF

To: James McElroy

④ This message has been replied to or forwarded.

James, Thomas is really mad at me because I told Collin not to sign that affidavit, and yes h wants Collins to commit perjury.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

Mon 7/28/2014 7:18 PM  
denise hollas <[dhollasdenise@yahoo.com](mailto:dhollasdenise@yahoo.com)>  
Re: RE: Good morning.

To: James McElroy

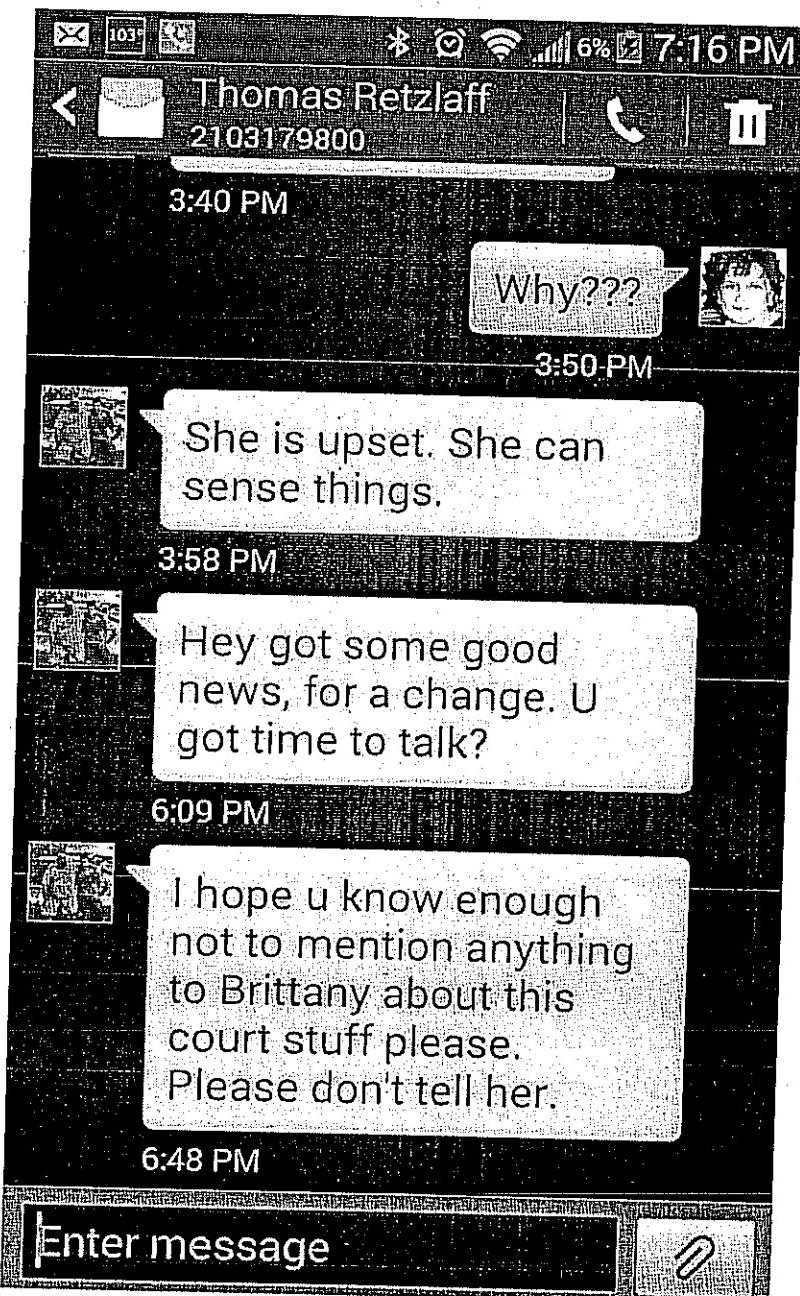
④ This message has been replied to or forwarded.

Message  Screenshot\_2014-07-28-19-16-48.png (241 KB)

Hrs even more crazy.

Sent from Yahoo Mail on Android

Image that was attached (20140728\_191648.png) to aforementioned email.



To: James <[james@bullyville.com](mailto:james@bullyville.com)>  
Cc: Denise A Hollas <[Dahollas@iasishealthcare.com](mailto:Dahollas@iasishealthcare.com)>  
Re: ??? You're the only person I told this to.

I never said nothing to Thomas at all . he called me today at 1 am telling me has his Owen hackers and asking me what the hell why didn't you tell me and i played stupid and i told him i don't know what the hell your talking about and not to call me no more. I would never say nothing i always keep thing to my self. IM WONDERING IF HE DIDN'T HACK IN MY EMAIL ACCOUNT BECAUSE I FORGOT TO LOOK AT THE EMAIL TILL LATE-NIGHT.?

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[Dahollas@iasishealthcare.com](mailto:Dahollas@iasishealthcare.com)>  
Date: 08/27/2014 07:04 AM  
Subject: Even more .

• BV Files said:

August 26, 2014 at 8:27 pm

He called someone's ex-wife and told them. Some emails from McGibney were obtained and given by her to *He Who Must Not Be named*, apparently, and, apparently, the call was also recorded by a person who was having second (and third) thoughts about "helping" McGibney. But wait! There's more...

To: James <[james@bullyville.com](mailto:james@bullyville.com)>  
Cc: Denise A Hollas <[Dahollas@iasishealthcare.com](mailto:Dahollas@iasishealthcare.com)>  
Re: Even more.....

You replied to this message on 8/27/2014 9:23 AM.

OMG WHAT BULLSHIT.....He never stops there is no way he can get my emails at work and as fair as recording no.  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

RE: Even more.....  
Denise A Hollas <DAHollas@asishealthcare.com>

You forwarded this message on 8/27/2014 9:39 AM.

I told him about what the hell did you post about me on the blog and he said yup i did he not going to brake me down i tell i don't talk to you. omg so it looks like Brittany's i pad does have something on it because NO one new about the conversation.we have to come up with another way for to talk to you.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

RE: Even more.....  
Denise A Hollas <DAHollas@asishealthcare.com>

You forwarded this message on 8/27/2014 9:39 AM.

He keeps on telling me he has hackers that are in his group.  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[DAHollas@asishealthcare.com](mailto:DAHollas@asishealthcare.com)>  
Date: 08/27/2014 09:40 AM  
Subject: RE: Even more

That's exactly what he's trying to do. He wants to drive a stake between you and I.

Wed Aug 27 2014 09:43 am  
Denise A Hollas <[Dahollas@asishealthcare.com](mailto:Dahollas@asishealthcare.com)>  
RE: Even more.....

To: James

Well that will never happen so only email me at work and call work number. Brittany there is a ap i use with her so i can talk to her its HI TALK

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[Dahollas@asishealthcare.com](mailto:Dahollas@asishealthcare.com)>  
Date: 08/27/2014 09:43 AM  
Subject: He just posted this!

And just for the record, I never said you were a bad parent, EVER! Quite the opposite, as you know, I've always stated how proud I am of you sticking up for Brittany against this monster.

• BV Files said:

August 27, 2014 at 1:29 am

Our take on that comment is that the ex- being referred to is the ex- of He Who Must Not Be Named and that she gave her ex (who is He Who Must Not Be Named) all of the emails that McGibney had been sending her, as well as recording phone conversations she (the ex-) had with McGibney, due to her feeling remorseful at what she had earlier done, as well as being very angry at McGibney calling her a 'bad parent who doesn't care for her daughter' because the ex- refused to believe McStupid's FAKE allegations about her ex-husband, a man she has known for nearly 40 yrs.

That is our take on this just from background info and such. We could be wrong. But, Dear Reader, are we ever wrong? Yeah, didn't think so, either.

Denise A Hollas <Denise.A.Hollas@iasishealthcare.com>  
Re: He just posted this!

James

You replied to this message on 8/27/2014 9:55 AM.

OMG THIS MAN IS CRAZY.. HOLLY CARAP (THIS) IS HIS MOUTH TALKING .. NOT EVEN TRUE.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[DAhollas@iasishealthcare.com](mailto:DAhollas@iasishealthcare.com)>  
Date: 08/27/2014 09:46 AM  
Subject: RE Even more.

He just posted this as well.....he is sick, truly sick.

He Who Must Not Be Named? Or a random troll?? said:

August 26, 2014 at 9:50 pm

Is it true that Night Terrors are caused by things like poor nutrition (from living in a 3rd world country, say), poor sleep quantity / quality (from sleeping on a pad and not a real mattress), and stressful current life events (like suddenly finding yourself being cut off from daddy's money - your sole financial support, cuz u live a ridiculous lifestyle w/ a religious cult)?

But that the biggest factor in all of this is: Having major substance abuse & mental health issues and NOT taking your psych meds like you're supposed to and laying off the hard drugs.

And that it is most definitely NOT caused by your daddy supposedly coming into your room at night and fucking the shit out of you for years & getting you pregnant, which your mind has somehow 'blocked out' and caused you "mental amnesia" and to have Night Terrors. I'm sure that is what Dr. McStupid would want you to believe (because it suits his agenda and, because, he does have that Harvard education after all).

I get a ton of laughs from watching all those video chats between them. I want to put them ALL on YouTube right now, but my non-jewish Aryan Brother lawyer said to hold off till court. sad face el oh el faggots.

From: [REDACTED] Wed Jul 23 09:46:44 -0700 2014  
To: [REDACTED] <DAHollas@asishealthcare.com>  
Subject: RE: Even more.....

He is nuts because Brittany's has had these even when she was married to Robert. He just called me at work and I told stop writhing blog about me and he said that he wants you to stay away from me and think I'm crazy. I was his courts papers he is filling i saw cheaterville post he had a lot of them.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL dahollas@asishealthcare.com](mailto:dahollas@asishealthcare.com)

From: [REDACTED] Wed Jul 23 09:46:44 -0700 2014  
To: [REDACTED] <DAHollas@asishealthcare.com>  
Subject: RE: He just posted this!

I know he s not normal for sure.I told him i go on the blog at night and read all his comments .  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL dahollas@asishealthcare.com](mailto:dahollas@asishealthcare.com)

The following email was sent from James McGibney to one of the FBI agents currently investigating Thomas Retzlaff, Attorney Jay Leiderman and the San Jose Police Department. Law Enforcement email addresses have been redacted. This email was sent the day before Thomas Retzlaff forced Denise Hollas to sign the affidavit that he created.

From: James [mailto:[james@bullyville.com](mailto:james@bullyville.com)]  
Sent: Thursday, August 28, 2014 11:24 AM  
To: [REDACTED]; [jay@criminal-lawyer.me](mailto:jay@criminal-lawyer.me); [REDACTED]  
Subject: FW: HELLO

I just got off the phone with Denise. She flipped out on me. Thomas saw the sealed affidavits and told her that he was going to sue her. And that all the other defendants were going to sue her. And I quote, "James, I'm done with this, I don't have the money to defend myself. Thomas is going to get me an affidavit today stated that everything I said was a lie and I'm going to sign it. I can't deal with him anymore". I told her that would be perjury and she said that she didn't care and that she will go to jail. I don't know what to do at this point. She's definitely done with us. He's threatened her to the point that she's going to lie for him and risk going to jail.

From: James <james@bullyville.com>

To: Denise A Hollas <Denise.A.Hollas@iasishealthcare.com>

Subject: RE: HELLO

To: [james@bullyville.com](mailto:james@bullyville.com)

You replied to this message on 8/28/2014 12:15 PM.

Thomas, got those affidavits and im being sued over those by all those people in the lawsuits im done NO MORE INFORMATION GOING ON RETZLAFF SIDE.

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[DAHollas@iasishealthcare.com](mailto:DAHollas@iasishealthcare.com)>  
Date: 08/28/2014 12:15 PM  
Subject: RE: HELLO

---

Hey Denise,

They aren't going to sue you. And if "they" sue you, I've already found a lawyer who will represent you for free. He's trying to intimidate you, please don't let him. Please consider getting a restraining order against him. He has been threatening you non-stop for a long time, enough is enough.

From: James <james@bullyville.com>  
To: Denise A Hollas <[DAHollas@iasishealthcare.com](mailto:DAHollas@iasishealthcare.com)>  
Subject: RE: HELLO

To: [james@bullyville.com](mailto:james@bullyville.com)

I don't know I'm really feeling low right now,  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@iasishealthcare.com](mailto:EMAIL.dahollas@iasishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[Dahollas@asishealthcare.com](mailto:Dahollas@asishealthcare.com)>  
Date: 08/28/2014 12:32 PM  
Subject: RE HELLO

---

You have stood your ground and it has been very inspiring to lots of people, including Brittany. This is what he wants, this is the game he likes to play. He's a master manipulator and now he's resorted to threatening you with lawsuits and death threats like he's done to Brittany. She has stood her ground, please do the same. If you call the police department right now and told them the truth, that he's intimidating you and explain what is going on, they will most likely arrest him. He's blatantly intimidating a witness. Please go get a restraining order. Notice how he's stopped contacting Brittany since the restraining order has been in place? He only contacted her once so far from his "Dean Anderson" alias. He will leave you alone because he knows that law enforcement is involved. Stand your ground Denise.

To: James  
From: "Denise A Hollas" <[Dahollas@asishealthcare.com](mailto:Dahollas@asishealthcare.com)>  
Subject: RE: HELLO

To: James

✉ You replied to this message on 8/28/2014 2:01 PM.

I'm not going to help anybody no ore.  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

RE: HELLO

NOW THERE ON TWEETER AND HE GOING TO GET ME FOR DEATH THREATS TOO I'M SO F K

Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

From: "James" <[james@bullyville.com](mailto:james@bullyville.com)>  
To: "Denise A Hollas" <[DAhollas@asishealthcare.com](mailto:DAhollas@asishealthcare.com)>  
Date: 09/29/2014 02:07 PM  
Subject: RE HELLO

---

He's not going to get you for death threats Denise. You do realize that if you go and file a restraining order against him this goes away right? The second you file it he can no longer contact you in any way. If he does, he will go to jail. Hasn't he harassed and threatened you enough already?

From: "Denise A Hollas" <[DAhollas@asishealthcare.com](mailto:DAhollas@asishealthcare.com)>  
Subject: RE: HELLO  
Date: 09/29/2014 02:09 PM

I'M OUT. BYE.  
Denise A Hollas  
Business Office  
Tempe/BHC SCANNER  
1800 E Van buren  
Phoenix, AZ 85006  
602-251-8259  
FAX 602-251-8215  
[EMAIL.dahollas@asishealthcare.com](mailto:EMAIL.dahollas@asishealthcare.com)

**Initial conversation between Denise Hollas and James McGibney via a DM session on Twitter**



Meow



Now I'm seeing the truth myself.



Meow

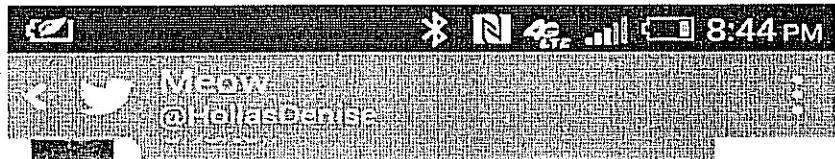


I have a crazy ex husband that does evil things to his family.

Direct messages > with Meow



Thank you so much for all your guys of help for my daughter. I'm worried about her with all this

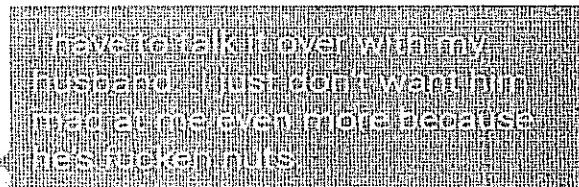


I've been helping Brittany for  
months and have never asked  
for anything

8:45 PM

You have to believe me Denise  
that's not going to happen

8:46 PM



It's time to draw a line in the  
sand. Living in fear is no way to  
live.

8:48 PM

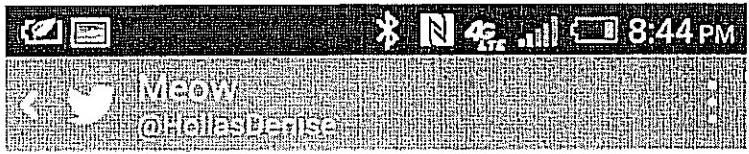


Start a new message

140

SEND

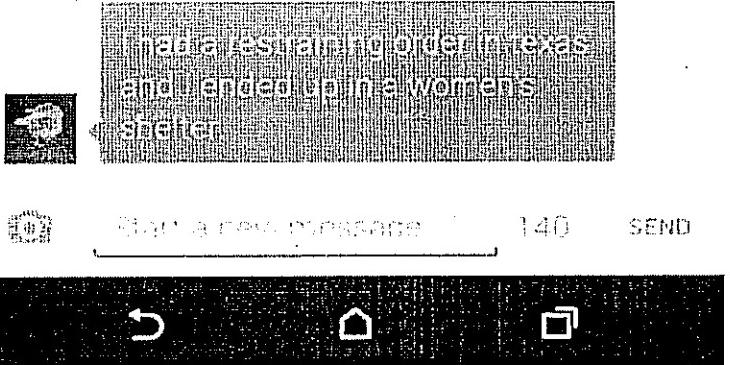


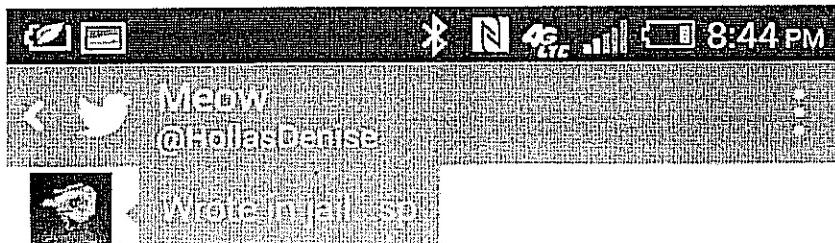


Denise I've read the court docs,  
he's very dangerous

The police will protect you.  
Thomas is already on thier  
radar.

We are here to help you





If you want to help us, or the  
dozens of women that he's  
victimized that would be great.

8:51 PM

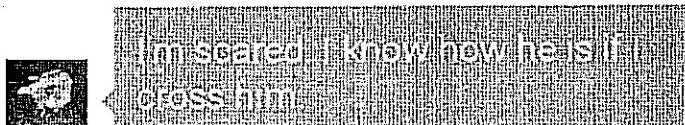
However your safety is the most  
important thing

8:52 PM



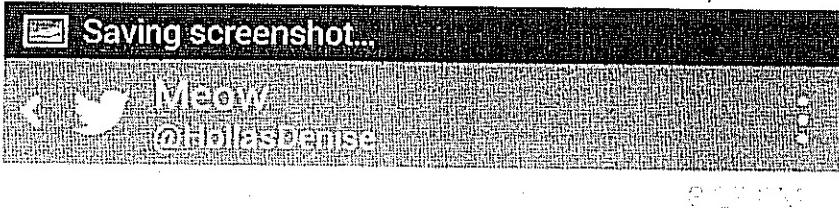
You really need to get a  
restraining order

8:53 PM



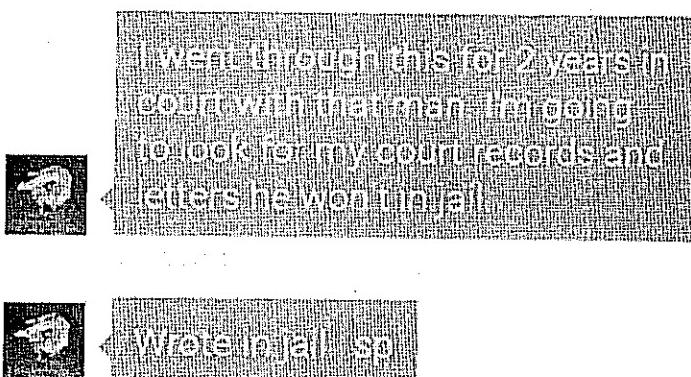
Start a new message 140 SEND





As do we.

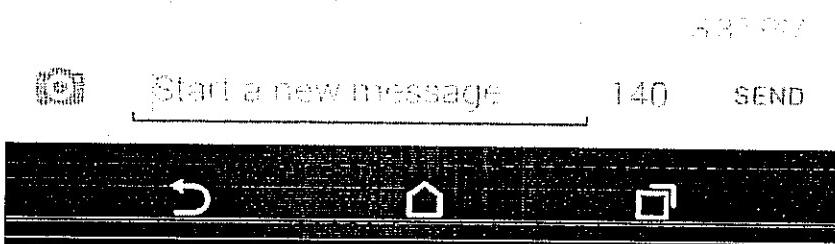
G-26-261

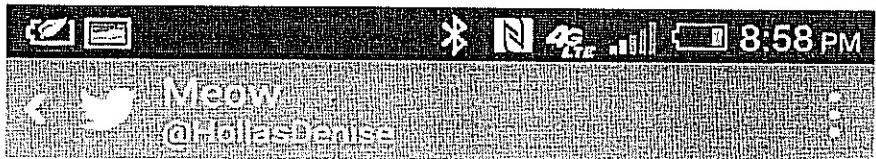


If you want to help us, or the dozens of women that he's victimized that would be great.

8:21 PM

However your safety is the most important thing





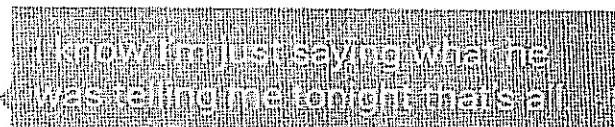
stand in her corner to fight off  
this horrific monster so be it.

8:59 PM



He posted naked images of your  
daughter all over the web.

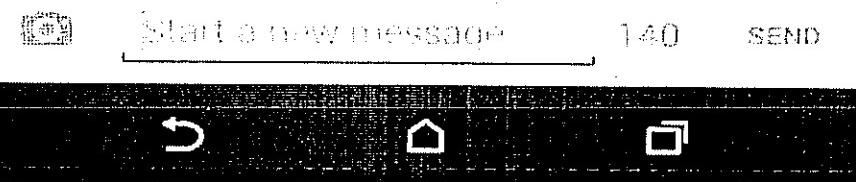
8:26 PM

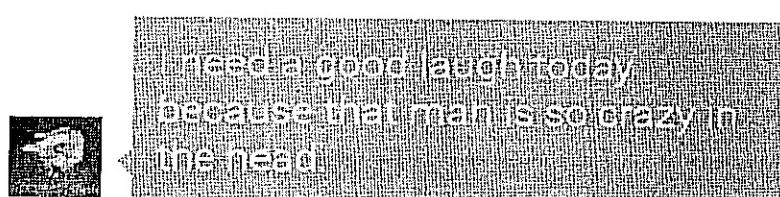
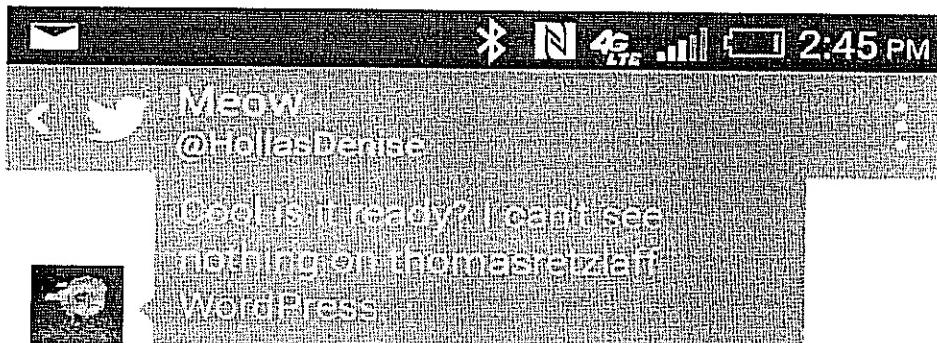


So quiet frankly I don't give a  
Shit what comes out of his  
mouth.

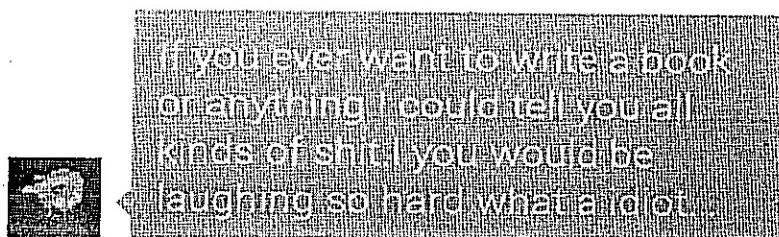
8:27 PM

As do we.



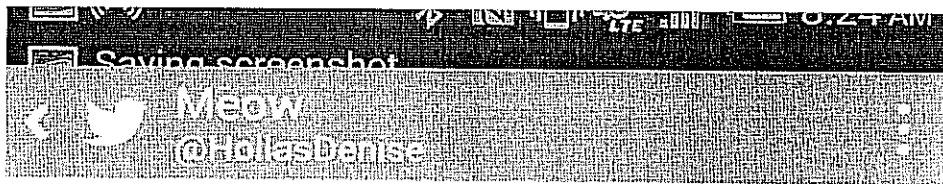


Tomretzlaff dot com



Collin is writing a book!





Creeeepppppy

Monday, 10:23 PM



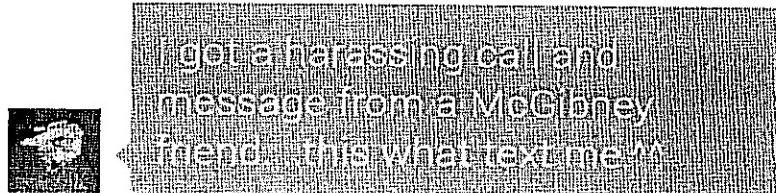
Monday, 10:24 PM

Lol

Monday, 10:24 PM

What he did to your daughter is  
unforgivable

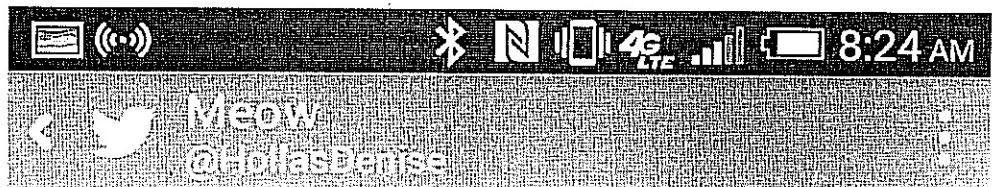
Monday, 10:25 PM



He's a liar

Start a new message 140 SEND





Just emailed you.

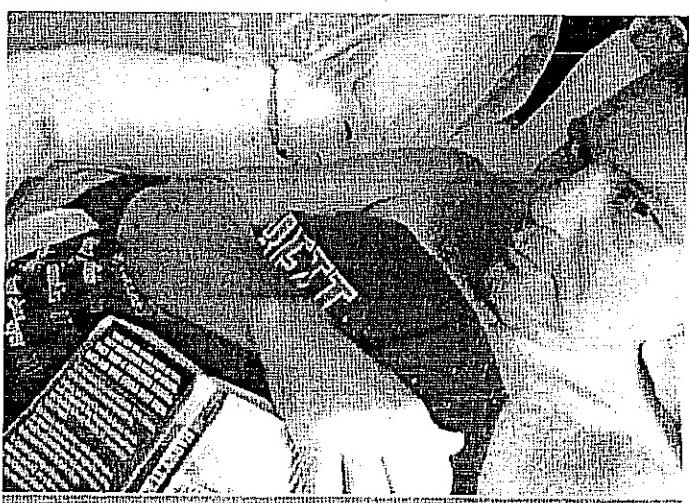
Monday, 10:08 PM

No worries

Monday, 10:08 PM



You still stick to my site/match over  
other cat websites?



You still stick to my site/match over  
other cat websites?

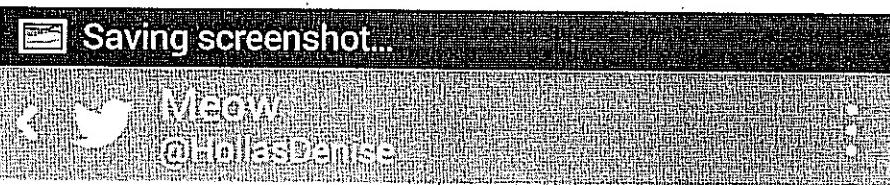


Start a new message

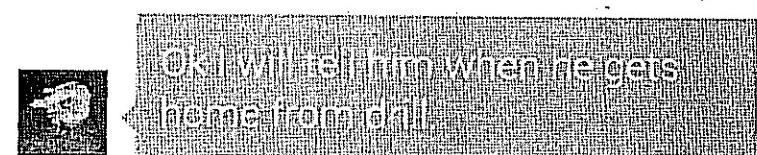
140

SEND



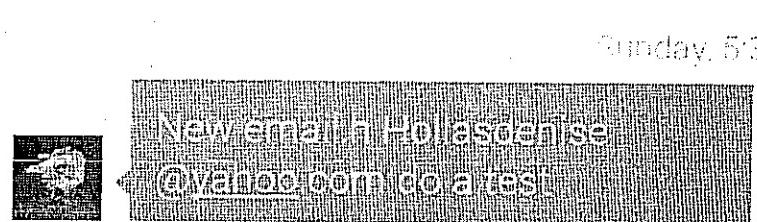


to be alarmed or worried.



Sunday, 5:23 PM

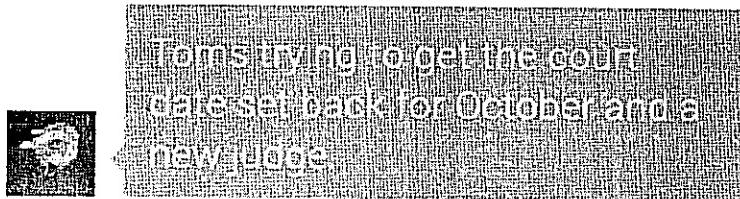
Thanks.



Monday, 8:07 PM



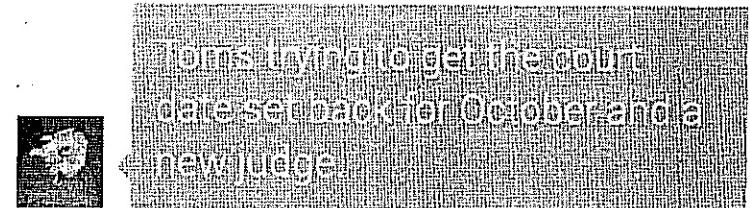
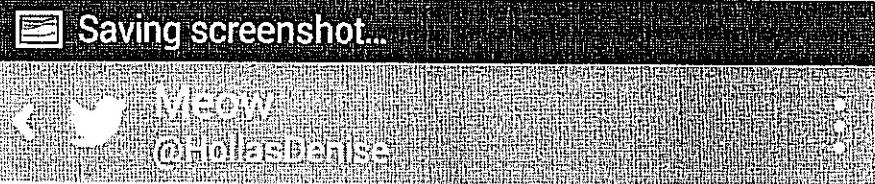
Monday, 8:07 PM



Monday, 8:07 PM

Start a new message 140 SEND





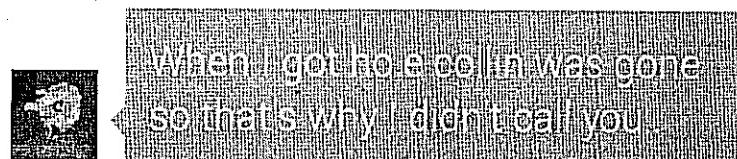
Monday, 10:06 PM

Oh we know....

Monday, 10:07 PM

He will be in jail by October.

Monday, 10:07 PM



Monday, 10:08 PM

Just emailed you.

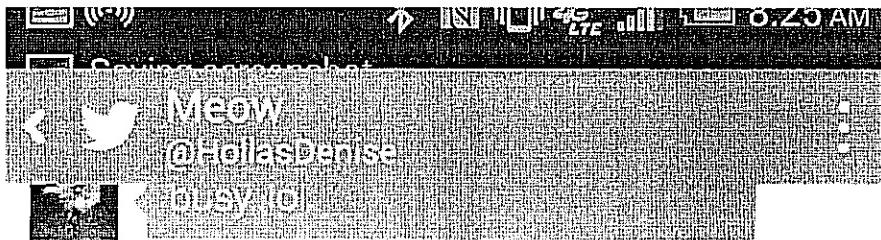
Monday, 10:08 PM

No worries

Monday, 10:08 PM

 Start a new message 140 SEND





Busy stalking innocent women

Sunday, 4:40 PM

Do you know if he's been in California at all over the past five years? Even if it was just for a day

Sunday, 4:46 PM



#### REFERENCES

Do you know approximately when and for what reason?

Sunday, 5.10 PM



 Start a new message



# **EXHIBIT 10**

**Taken from BV Files Blog ([viaviewfiles.wordpress.com](http://viaviewfiles.wordpress.com))**

## **25 thoughts on “The JoJo Files”**

1.  No words. *said:*

August 19, 2014 at 11:49 pm

“Based on my extensive history with criminal defendants, I know when someone is truly dangerous.” — Jay Leiderman.

[Reply](#)

- o  A Rocket Scientist *said:*

August 20, 2014 at 12:01 am

Then why mess with that person if you feel they are so “obviously” dangerous? If the really are that dangerous, do you honestly think that a stupid TRO will protect you? Not unless its covered in kevlar maybe. But even then, I wouldn’t bet my life or my family’s life on it.

Best to let sleeping dogs lie. Of course Leiderman & company will now just accuse me of being TR even though I’m not. It doesn’t take a rocket scientist to figure this stuff out.

[Reply](#)

# EXHIBIT 11

ATTORNEY OR PARTY WITHOUT ATTORNEY	
Jay Leiderman 203336 5740 Ralston St. #300 Ventura, CA 93003	
SUPERIOR COURT OF THE STATE OF CALIFORNIA	
PLAINTIFF:	VIA VIEW INC.
DEFENDANT:	THOMAS RETZLAFF
<b>DECLARATION RE DILIGENCE</b>	CASE NUMBER: 1-14-CH-005460

I, Jeff Bourne #5585, declare:

I am a Registered Process Server and was retained to serve process in the above-referenced matter on the following person or entity:

I was on the dates herein mentioned over the age of eighteen years and not a party to the above-entitled action. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge and if sworn as a witness I can and will truthfully and competently testify thereto.

I attempted personal service on the following dates and times with the following results:

<u>Residence Address:</u>	<u>Dates and Times</u>	<u>Result</u>
<input type="checkbox"/> Unknown		
8312 W. Elm St. Phoenix, AZ 85037	9/9/2014      5:10P 6:20P	No answer. Mr. Retzlaf drove past myself and his house to avoid service
<u>Business Address:</u>		
<input type="checkbox"/> Unknown	9/11/2014      6:30P	NO ANSWER. LIGHTS ON
	9/12/2014      5:10P	NO ANSWER.

This declaration is made based upon business records maintained in the normal course of business.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct and this declaration is executed on 9/13/2014 at Tempe, AZ, California.

